

COUNCIL ON ENVIRONMENTAL QUALITY

JULY 11, 1969.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GARMATZ, from the Committee on Merchant Marine and Fisheries, submitted the following

REPORT

[To accompany H.R. 12549]

The Committee on Merchant Marine and Fisheries, to whom was referred the bill (H.R. 12549), to amend the Fish and Wildlife Coordination Act to provide for the establishment of a Council on Environmental Quality, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

On page 5, line 14, delete "of" and insert in lieu thereof "on".

PURPOSE OF THE BILL

The purpose of the bill, as hereby reported, is to create a Council on Environmental Quality with a broad and independent overview of current and long-term trends in the quality of our national environment, to advise the President, and through him the Congress and the American people on steps which may and should be taken to improve the quality of that environment.

In achieving the purpose, the bill would require the transmission to the Congress by the President of an annual environmental quality report on the status of various aspects of the American environment, as well as on the foreseeable trends that may affect that status, and on their impact on other national requirements.

The bill also would require the five-member Council to maintain a continuing review of Federal policies and activities with environmental implications and to conduct such studies as may be necessary for it to carry out its statutory mandate. The results of this activity would be summarized in an annual report to the President as a means of augmenting and supplementing his report to the Congress.

LEGISLATIVE BACKGROUND

The concept of an independent Advisory Council to the President on environmental matters is not new. It was the principal recommendation of a task force report to the Secretary of Health, Education, and Welfare in June 1967 entitled "A Strategy for a Livable Environment". Bills to accomplish this purpose were introduced in the last Congress by Congressman Dingell and by other Members of the House of Representatives, although no action was taken on any of these. On February 17, 1969, Congressman Dingell introduced H.R. 6750 in the 91st Congress.

Subsequent to the introduction of H.R. 6750 by Congressman Dingell, identical bills were introduced by Congressmen Tunney, Ottinger, Adams, Price of Illinois, Sikes, Sisk, Farbstein, Diggs, Fulton of Tennessee, Gray, Karth, Blatnik, Conte, Cohelan, Fascell, and Congresswoman Griffiths. A similar bill was introduced by Congressman Nedzi.

The Subcommittee on Fisheries and Wildlife Conservation of the House Committee on Merchant Marine and Fisheries held hearings on the legislation on May 7 and 26, and on June 13, 20, 23, 26, and 27, 1969. At the conclusion of the hearings, the Subcommittee on Fisheries and Wildlife Conservation unanimously reported to the full committee a clean bill, H.R. 12549, which is in essence H.R. 6750, with amendments. H.R. 12549 was introduced by Congressman Dingell and coauthored by Congressmen Lennon, Pelly, Downing, Keith, Karth, Dellenback, Rogers of Florida, Pollock, Hanna, Goodling, Leggett, McCloskey, Annunzio, Frey, and Biaggi, all of whom are members of the subcommittee.

Your committee was impressed by the wide range of witnesses testifying at the hearings in support of the legislation. In the main, all witnesses were in favor of the legislation. In fact, it is worthy to note that the hearings developed no substantive opposition on the part of the public to the legislation, and that the slight resistance on the part of witnesses for the departments stemmed from a feeling that the Council might in some way conflict with the interdepartmental Council on Environmental Quality established by Executive order of the President on May 29 of this year. It should also be noted that while the departments did not recommend enactment of the legislation, neither did they recommend against it. Witnesses from several agencies spoke highly of the potential of the Council contemplated by the legislation as complementary to the excellent steps already taken by the President to achieve consistent and coherent environmental policy within the executive agencies through the interdepartmental Council. The only opposition to the legislation came from the Office of Science and Technology, which was based on the premise that the Council established by Executive order would accomplish the same purpose as the Council to be established by the legislation.

Briefly summarized, the Departments of Transportation and the Interior were of the opinion that should the Congress feel that establishments of a separate environmental advisory body in the Executive Office of the President along the lines contemplated by the legislation is desirable to assist the efforts of the President's Council, they would not object to such action. The Department of Health, Education, and

Welfare stated that if the legislation were enacted into law, it stood ready to cooperate to the fullest in carrying out its praiseworthy purposes. The Department of Commerce and the National Council on Marine Resources and Engineering Development stated that the committee may want to consider the need for the legislation since the President only recently created a Cabinet-level Council concerned with environmental quality. The Department of Agriculture and the National Science Foundation were in full accord with the objectives of the legislation but did not recommend its enactment because of the recently created Cabinet-level Council. The Department of Defense deferred to the views of the Executive Office of the President and no reports were received from the Departments of Labor and Housing and Urban Development. As previously explained, the Office of Science and Technology filed the only opposing report on the legislation.

After giving careful consideration to the evidence presented at the hearings and the departmental reports, your committee unanimously reported H.R. 12549.

BACKGROUND AND NEED FOR THE LEGISLATION

By land, sea, and air, the enemies of man's survival relentlessly press their attack. The most dangerous of all these enemies is man's own undirected technology. The radioactive poisons from nuclear tests, the runoff into rivers of nitrogen fertilizers, the smog from automobiles, the pesticides in the food chains, and the destruction of topsoil by strip mining are examples of the failure to foresee and control the untoward consequences of modern technology.

Thus spoke the New York Times in an editorial on May 3 of this year. The editorial, which endorsed the type of legislation embodied in H.R. 12549, may understate the complexity and urgency of the challenge. The problem is deep, and it touches on practically every aspect of everyday life: economic, scientific, technological, legal, and even interpersonal. It is a problem to which Presidents have addressed themselves with increasing concern in recent years, and it is a problem which we can no longer afford to treat as of secondary importance.

An independent review of the interrelated problems associated with environmental quality is of critical importance if we are to reverse what seems to be a clear and intensifying trend toward environmental degradation. The Federal Government has spent vast sums of money on aspects of the problem and will certainly increase its efforts in the future—and yet there is still no independent source of review of the total environmental situation, nor is there in existence any agency to provide the President and the Congress with an estimation of the priorities which should be assigned to different aspects of the problem.

Your committee does not believe that a useful purpose would be served by a recitation of the many environmental problems which confront us today. It is a simple fact of life that policies of agencies of the Federal Government may and do conflict: it is equally true that there are occasions where, without the benefit of conflicting policies, these Government agencies may and do adopt courses that appear to conflict with the general public interest. Additionally, there is a real

need to involve State and local planning and action agencies, whose activities play a major part on the overall environmental problem, in the decisionmaking process.

There may be controversy over how close to the brink we stand, but there is none that we are in serious trouble. Your committee believes that the Council which would be established by H.R. 12549 would stand in good position to afford the Nation with expert insight into the degree and seriousness of the problem, and into ways in which we may take positive steps to improve the situation.

The extensive hearings on this legislation were well attended, and careful and detailed testimony was received by many public witnesses. One full day of hearings was held in Ann Arbor, Mich., on June 13, where a local and well-informed community vigorously endorsed the principles of this legislation. A number of nationally and internationally known conservationists and conservation organizations testified in support of the bill, as did a former Cabinet officer, Mr. Stewart L. Udall.

Twenty members of the recently created Board of Advisors to the Ad Hoc Committee on the Environment also appeared as witnesses before the committee. These ranged from scientists to economists, from industrialists to educators; all spoke highly of the purposes of this legislation and of the need for the type of Council that it would create.

Perhaps the most significant aspect of these extended hearings on the legislation was the degree of almost total unanimity in the community that such a Council was, if anything, long overdue.

Departmental witnesses described in some detail the recent Executive Order No. 11472, dated May 29, which created the interdepartmental Environmental Quality Council. This body consists of the Secretaries of Interior, Agriculture, Health, Education, and Welfare, Transportation, Housing and Urban Development and Commerce, together with the Vice President and President, as Chairman. The Executive Secretary of the Council is the President's science adviser, and staffing for the Council is provided through the Office of Science and Technology. The science adviser, Dr. Lee A. DuBridge, testified that he hoped to have a staff of six professionals and an equal number of supporting clerical staff assigned to that Council, and that eight other members of the Office of Science and Technology staff with functions closely related to environmental matters would assist him in his duties as Executive Secretary.

Practically all of the witnesses, both public and private, appearing before the committee expressed opinions that the Council which would be established by the legislation will not conflict with the functions of the interdepartmental council, and in fact could well serve effectively to increase the resources brought to bear on the complex and difficult environmental problems.

The two bodies would perform different tasks. As Dr. DuBridge stated in his testimony at the subcommittee hearings:

Certainly there are two functions. The Cabinet-level can do one kind of thing, implement activities and directives of the President as decided upon within the Council meeting and directed by the President. But of course, the Cabinet cannot do the long-range planning, cannot take the deep

expert look at the problems as they emerge, cannot evolve suggestions for exact policies and actions to be taken. They can take action and can discuss it, but it is absolutely essential that there be an expert group of advisers to the President that will advise him as to what action should be brought up to the Council, who will advise the President on the nature of the problems and where responsibilities lie or are split, do all of the things that you say this committee (sic) should do.

There are two very different functions; a Cabinet-level action committee and a staff or advisory group that is assisting the Council and the President and informing the Congress and the public. * * *

Essentially the difference of opinion between Dr. DuBridge and the rest of the witnesses on the legislation was the question of whether or not the science adviser, already burdened by the many duties and offices assigned to him, and unable at best to spend more than 25 percent of his time on environmental areas, would be physically able to devote adequate time and resources to the challenging problems that would inevitably arise.

Dr. David M. Gates, director of the Missouri Botanical Gardens and Chairman of the Board of Advisors to the Ad Hoc Committee on the Environment, educated as a physicist and currently teaching botany at Washington University in St. Louis, had this to say at the hearings on the complicated problems that the Council would have to deal with:

The complexity of the earth's ecosystem and its component parts of individual ecosystems makes understanding it and the management of it a massive challenge. Although we are harassed by ecological disasters such as the Santa Barbara oil slick, the mud slides, the Rhine River fish kills, and other examples, we have not yet come to grips with the complexity of the entire earth ecosystem.

Is the climate changing in an unnatural manner? Is there likely to be an oxygen shortage? Is population growth a part of some biological law which is incompatible with human dignity and desire? Can we feed the population of the world in the year 2000 or 2100 or 2200?

How much production of inorganic products can we produce without fouling the global system?

It is now evident that it is very unlikely that we can manage to produce a total quality to live for very many people much better than it is today. It is not unlikely that our generation or the next one or perhaps the one after will have reached the pinnacle of quality and after that it will be a downhill slide. There is a finite amount of energy to be consumed. There are a finite number of resources.

It is primarily a matter of how fast or how long one wishes to live at certain quality. One can live high and short or slow and long. Civilization cannot do both.

It is a question of what quality—for how many—for how long? Presumably an environmental quality council will help to assure certain goals. There are two types of issues. There

are the brushfire crises: the Santa Barbaras, the Rhine Rivers, the Great Lakes; and then there are the long-term methodical concerns about the environment.

The latter is by far the most difficult. It is the least spectacular, yet by far the most significant.

* * * * *

Today we are manipulating an extremely complex system: The ecosystems of the earth, the units of the landscape, and we do not know the consequences of our actions until it is too late. We need to study ecosystems in advance and work out the strategies of living with the landscape.

Given this complexity, and the fact that the Cabinet-level Council members themselves cannot conceivably devote a major proportion of their attention to these problems in the depth required, it is the feeling of your committee that the staff work required to focus accurately on the issues involved will be extensive—far greater than the resources which the interdepartmental council and its six staff members can bring to bear.

The problems, in the view of your committee, are of several magnitudes larger than those which can be adequately dealt with by this interdepartmental organization. In addition, they are problems which will require full-time expertise and attention—expertise and attention which ought not to be devoted to other problems, however meritorious and importunate they may be. The Council proposed in H.R. 12549 appears to your committee to be best adapted to this type of intensive and extensive treatment.

Clearly, the members of the Council should be entirely independent of any other Federal office or employment just as they should be entirely divorced from other commercial and industrial ties and other financial commitments.

Other than the establishment of a statutory Council, the topic occupying the greatest attention of your committee was that of the standards to be applied in the selection of the Council members. While the ultimate decision on this question lies properly in the hands of the President, your committee concluded, after hearing extensive testimony on the subject, that the Council members should be chosen not as representatives of various groups concerned with the environment, but as generalists; informed on the basic nature of the problems and their interrelationships, and willing to consider new ways of attacking them. There appears to be little question that many of the most qualified specialists on aspects of environmental quality—biologists, chemists, physicists, geographers, demographers, engineers, economists, and such—would be unavailable and perhaps even unwilling to serve as full-time members of the Council. This may be inevitable; and yet it then becomes of critical importance to be certain that the advice of these men and women would be available to the Council, for use when needed. This implies the development of advisory and research task forces, and also requires that the communications function of the Council be raised to a position of high importance. It will therefore be necessary that several members of the Council be trained and competent administrators, to assure that the

flow of information in both directions is not impeded by artificial and unnecessary barriers.

Securing competent, qualified, and equally importantly, dedicated Council members and staff personnel appears to your committee to be a critical task confronting the President following enactment of this legislation. Such men and women could be found, but they are not easy to come by. This, of course, pushes budgetary considerations into positions of prominence, but it is your committee's feeling that money devoted to this end would indeed be money well spent.

The testimony at the hearing also stressed the importance of the international aspects of the environmental problem. It is an unfortunate fact that many and perhaps most forms of environmental pollution cross international boundaries as easily as they cross State lines. Contamination of the oceans, with insufficient attention paid to its long-term consequences, appears to be a major problem, to which far too little attention has been spent in the past. The international aspects are clearly a major part of the questions which the Council would have to confront, and your committee feels confident that these would receive early attention by the Council.

It would of course be necessary that the Council maintain close ties with all levels of the executive departments. The President would undoubtedly wish to consider the desirability of having the Chairman of the Council sit as an ex officio member of the interdepartmental council. Another proposal which your committee feels merits favorable consideration is that of attaching employees of the Council—perhaps on a rotating basis to insure a fresh approach—to executive departments and agencies to act as environmental auditors, much in the fashion that accounting firms attach employees to large corporations for whose financial affairs they are responsible. These auditors could well be of significant value to the agencies to which they would be attached, enabling them to develop meaningful environmental policies at the lower decisionmaking levels of government, before the policy choices to be made by their chief executive officers have become so circumscribed by internal momentum that the complete range of alternatives is no longer available to them. This phenomenon, sometimes termed "bureaucratic inertia," is troublesome, and has proved a source of major frustration to many previous administrations; the program, planning, and budgeting procedures which have been developed in recent years as a means of coping with this problem suggest themselves as an area in which environmental inputs might be highly useful to and welcomed by policymaking officials lacking specific expertise on these topics.

These auditors, operating in the field and in Washington, should be familiar with and in a position to recommend alterations in agency guidelines; they should also be instructed to review major environmental problems falling within the jurisdiction of the agencies to which they are attached, with particular attention, where appropriate, to interagency conflicts of policy in these areas.

Although the testimony revealed an overwhelming need for the type of legislation outlined by H.R. 12549, the precise nature of the undertaking was never, and perhaps never could have been, specifically outlined. The committee was, however, very favorably impressed by the testimony of Mr. Peter S. Hunt, a systems analyst and management consultant who recommended a moderate beginning for the

Council with perhaps 55 professional employees and 20-30 members of the clerical staff. Approximately one-half of the professional staff, as detailed in an outline submitted to the committee by Mr. Hunt, would be devoted to the job of liaison and coordination with the operating agencies; the rest would be assigned to work on the annual report and on work associated with the research and study functions of the Council.

Several members of the scientific community stressed the need for the development of an adequate information collection and retrieval system. Their testimony indicated that there is today a 5- to 10-year gap between the development of basic research information and its technological implementation. Much of this basic research has significant implications for both improvement and degradation of man's environment, and it was concluded that activities in this area would more than repay the initial investment, to the extent that the Council could assist in making this information more accessible to the public and to the Federal Government.

State and local governments have a large stake in the common problem; it is also true that by no means all of the environmental problems which we see are caused, even indirectly, by the Federal Government alone. Witnesses at the hearings stressed the need for a continuing interchange between the Council and other agencies, including private citizens' groups, as a significant part of the environmental problems, and your committee wishes to underscore the desirability of establishing clear and open lines of communication between the Council and the public. The Council should also consider the impact of its activities upon the educational system, together with ways and means of continuing the growing trend toward public enlightenment on and concern with the important environmental issues that we confront.

The interdepartmental Council fills a clear and observed need today as a means of coordinating and resolving internal policy disputes between different executive agencies of the Government. Although the Council proposed by H.R. 12549 may well prove to be an asset to the President and the Congress as a means of resolving these conflicts, this is not the principal purpose of this bill.

That purpose is rather to create, by legislative action, standing outside the programs that can be done and undone by unilateral executive action, a Council which can provide a consistent and expert source of review of national policies, environmental problems and trends, both long term and short term. Such a Council would act entirely independently of the executive, mission-oriented agencies.

The President, the Congress, and the American people stand in need of this type of assistance. No organization, in existence or contemplated, except as provided for in this and similar bills, shows any sign of meeting that need. It is for this reason that your committee unanimously recommends the creation of such a Council, through enactment of H.R. 12549.

SECTION-BY-SECTION ANALYSIS

There follows a section-by-section summary of H.R. 12549, accompanied by discussion where appropriate. As indicated previously, H.R. 12549 is a clean bill, representing several amendments in its parent, H.R. 6750, and in the many similar and identical bills before your committee.

Section 1 of the bill would amend the Fish and Wildlife Coordination Act by inserting a new section in the act designated as section 5A.

Subsection (a) of the new section would recognize the impact of man's activities upon his environment and the critical importance of making that impact less adverse to his welfare. Accordingly, it states a basic and continuing policy that the Federal Government, in cooperation with all other interested parties, shall use all practicable means and measures, including financial and technical assistance, to assure that man's capacity to change his environment is devoted to making that change one for the better, while remaining consistent with his future social, economic, and other needs.

Subsection (b) of the new section would direct the President to transmit to the Congress at the close of each fiscal year an annual report setting forth an inventory of the American environment, broadly and generally identified, together with an estimate of the impact of visible future trends upon our future environment. This report would follow the report submitted by the Council in May of each year; your committee assumes—and would like to emphasize that it deems it advisable—that the Council's report will accompany that of the President, as is the case with the report of the Council of Economic Advisers, after whose enabling legislation this bill is closely patterned. Implicit in this section is the understanding that the international implications of our current activities will also be considered, inseparable as they are from the purely national consequences of our actions.

Subsection (c)(1) of the new section would create a five-man Council on Environmental Quality in the Office of the President. Although the original bills before the committee provided for a three-man Council, your committee feels that the clear need is for a slightly larger Council with more personal resources available to it, and yet not so large as to be unwieldy; the Chairman of the Council would be designated by the President, since he would be acting as a major adviser to the President in this area. The qualifications of the Council members are stated broadly, since generalists are what the Council will require, and since it is impossible to define generalists adequately except in terms of their overall excellence and competence. Most critical in the selection of the Council members will be their commitment to an understanding and resolution of the environmental problems which we confront as a society.

Subsection (c)(2) would authorize the Council to employ the necessary staff to assist it in carrying out its duties. The importance of attracting and holding an extremely high caliber staff is of great importance. This subsection would give the Council broad authority to obtain the services of experts and consultants, including advisory committees and task forces on specific environmental problems.

Subsection (c)(3) would specify the duties and functions of the Council. These include:

- (A) Assisting the President in the preparation of the annual report;
- (B) Gathering information on the short- and long-term problems that merit Council attention, together with a constant analysis of these problems as they may affect the policies stated in subsection (a), and a constant inflow of information to the President on the significance of these problems;

(Electronic data processing shows promise of proving valuable assistance to the Council in this respect, and it is hoped that the Council will make the information so gathered available to all interested and affected segments of society. In so doing, and elsewhere, the Council would be performing an important educational function, since it is axiomatic that only enlightened public opinion can permit the Council to produce maximum benefits. In this connection, it is the hope of your committee that reports and studies prepared by the Council would be given maximum public distribution.)

(C) maintaining a constant review of Federal programs and activities as they may affect the policies declared in subsection (a), and keeping the President informed on the degree to which those programs and activities may be consistent with those policies;

One way in which this might be done would be to develop a sophisticated method of cost and benefit analysis—in which the total (and often not strictly economic) consequences of Federal activities may be assessed. The environmental auditing function of the Council falls squarely within the functions specified in this subsection.

(D) requiring the Council to review and to recommend policies to the President, on the basis of its activities, whereby the quality of our environment may be enhanced, consistent with our social, economic and other requirements; and

(E) authorizing the Council to make studies and recommendations relating to environmental considerations, as the President may direct;

Your committee is well aware that the problems with which this legislation attempts to deal are long term, and that not all eventualities or problems are foreseeable. This requirement allows the Council to adapt to changing circumstances, as it must if it is to remain an effective agency for environmental improvement.

Subsection (c)(4) would direct the Council to make an annual report on its activities to the President. It is not the purpose of your committee to require that this report be the type which so often is submitted by advisory groups, however august and competent they may be. Such reports are often reduced to vague and reassuring generalities, since it is only upon generalities that all members can agree. The stakes are too high, and the consequences of inaction are too apparent, for the report of the Council to be anything less than the best that each member of the Council can produce; if honest disagreement occurs within the Council, your committee would hope that this would not be smothered in an attempt to show consensus where no consensus actually exists. The President is equipped to resolve differences of opinion, by recourse to independent advisers if necessary, and it is most important that he be aware of the differences of opinion that may exist, just as it is important that he be aware of the existence of general agreement. Again, your committee would like to emphasize that it expects the report of the Council to be appended to report of the President, for the information and education of the Congress and of the American people.

Subsection (c)(5) would require the Council to maintain open lines of communication with all affected segments of society, and would instruct it to avoid duplication of work that has already been done by others, wherever that can be done. This will be of particular significance as the Council acts to set up the data bank referred to in

(3)(B) of this subsection; certainly most of the information flowing into that bank will have to be derived from sources outside the Council, and it will become vital that the Council assure itself that this information continue to be available to it.

Section 2 of the bill would amend title 5 of the United States Code to add the Chairman of the Council to level II of the Executive Pay Schedule, and the balance of the Council members to level IV. Since this is the same compensation received by the Chairman and members of the Council of Economic Advisers, who devote their full time to carrying out their duties, likewise it would be expected that the Chairman and members of the Council on Environmental Quality will devote their full time in carrying out the work of this high level Council.

THE AMENDMENT

The amendment to the bill was to correct a printing error to change the word "of" to "on".

COST OF THE LEGISLATION

On the basis of the staff levels projected in testimony, your committee estimates the cost of the legislation to the Federal Government would be approximately \$1 million per year.

DEPARTMENTAL REPORTS

Departmental reports on H.R. 6750, the bill on which the hearings were held, are as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., June 19, 1969.

Hon. EDWARD A. GARMATZ,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Your committee has requested the views of this Department on H.R. 6750, a bill to amend the Fish and Wildlife Coordination Act to provide for the establishment of a Council on Environmental Quality, and for other purposes.

H.R. 6750 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.

We believe the recent establishment by the President of the Environmental Quality Council 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.

Should the Congress feel that the establishment of a separate environmental advisory body in the Executive Office of the President along the lines contemplated by H.R. 6750, is desirable to assist the efforts of the President's Council, this Department would not object to such action.

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,

WALTER J. HICKEL,
Secretary of the Interior.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, July 1, 1969.

Hon. EDWARD A. GARMATZ,
*Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This letter is in response to your request of March 4, 1969, for a report on H.R. 6750, a bill to amend the Fish and Wildlife Coordination Act to provide for the establishment of a Council on Environmental Quality, and for other purposes.

The bill states that the Congress, recognizing the impact of man's activity on the interrelations of all components of the natural environment, declares it to be the policy of the Federal Government, in cooperation with State and local governments and various organizations, to use all practicable means and measures in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

The bill would also require the President to transmit annually beginning June 30, 1970, an environmental quality report which would set forth the status and condition of the major natural, man made, or altered environmental classes of the Nation and the current and foreseeable trends in management and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation. A Council on Environmental Quality would be created in the Executive Office of the President to appraise environmental programs and activities of the Government and to formulate and recommend national policy to promote the improvement of our environmental quality and to assist and advise the President in the preparation of the environmental quality report. The Council would be composed of three members appointed by the President with the advice and consent of the Senate. It could employ such officers and employees as may be necessary to carry out its functions under the bill.

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 coordination of the numerous activities in the environmental area.

The President issued Executive Order 11472 on May 29, 1969, establishing an Environmental Quality Council and a Citizens Advisory Committee on Environmental Quality. This Council and Advisory Committee are given broad responsibilities for advising and assisting the President with respect to environmental quality matters. While we think that experience should be gained under these new organizational arrangements before additional entities are established, we recognize that a separate Presidential advisory body might be useful in assisting the work of the President's Environmental Quality Council.

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,

Acting Secretary.

GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE,
Washington, D.C.

HON. EDWARD A. GARMATZ,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in further reply to your request for the views of this Department concerning H.R. 6750, a bill to amend the Fish and Wildlife Coordination Act to provide for the establishment of a Council on Environmental Quality, and for other purposes.

The primary purpose of H.R. 6750 is to develop national policy aimed at restoring, improving, and maintaining environmental quality. To accomplish this, a Council on Environmental Quality would be established within the Executive Office of the President. The Council would be comprised of three private individuals appointed by the President, by and with the advice and consent of the Senate. One of the functions of this Council would be to assist and advise the President in the preparation of the Environmental Quality Report which the President would submit annually to the Congress. The report, among other things, would set forth "the status and condition of the major natural, man made, or altered environmental classes of the Nation, including, but not limited to, the air, the aquatic, including marine, estuarine, and fresh water, and the terrestrial environment, land, range, urban, suburban, and rural environment." The Council would also, among other things, review programs of the Federal Government relating to environmental quality and develop and

recommend national policies to improve environmental quality and develop and recommend national policies to improve environmental quality.

In recognition of the critical importance of maintaining and improving environmental quality, the President, by Executive Order 11472, dated May 29, 1969, established an Environmental Quality Council composed of the Vice President of the United States, the Secretaries of those Departments most directly concerned with environmental matters, including the Secretary of Commerce, and such other heads of departments and agencies and others as the President may from time to time direct. The Executive order also provides for the establishment of a Citizens' Advisory Committee on Environmental Quality. The functions assigned to the Council and to the committee parallel in large measure those which are set forth in H.R. 6750, and for this reason you may want to consider the need for enactment of this legislation.

We have been advised by the Bureau of the Budget that there would be no objection to the submission of our report to the Congress from the standpoint of the administration's program.

Sincerely yours,

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General Counsel.

EXECUTIVE OFFICE OF THE PRESIDENT,
NATIONAL COUNCIL ON MARINE RESOURCES
AND ENGINEERING DEVELOPMENT,
Washington, June 25, 1969.

HON. EDWARD A. GARMATZ,
*Chairman, House Merchant Marine and Fisheries Committee,
House of Representatives, Washington, D.C.*

DEAR MR. GARMATZ: This is in reply to your letter of March 4, requesting views and recommendations on H.R. 6750, a bill to amend the Fish and Wildlife Coordination Act to provide for the establishment of a Council on Environmental Quality, and for other purposes.

The bill contains a statement of policy that "the Federal Government, in cooperation with State and local governments, urban and rural planners, industry, labor, agriculture, science, and conservation organizations * * * [shall] * * * use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans."

It requires the President to transmit to the Congress an annual environmental quality report, setting forth the conditions of the Nation's environmental classes and current and foreseeable trends in the management and utilization of such environments. It creates in the Executive Office of the President a Council on Environmental Quality, composed of three members appointed by the President by and with the advice and consent of the Senate.

The Council will assist and advise the President in the preparation of the environmental quality report, gather information concerning conditions and trends in environmental qualities, appraise the various

Federal programs and activities in the light of the policy set forth above, develop and recommend to the President national policies to foster and promote the improvement of environmental quality, and make such studies, reports, and recommendations with respect to matters of policy and legislation as the President may request.

During the history of our Nation, man has been deeply concerned with the effects of the environment upon his activities. As his society became more complex and his technology more efficient, his activities came to exert an increasing effect upon that environment. These effects are particularly noticeable in the coastal zone. As stated in the President's last annual report on marine science affairs,

"* * * any description of the coastal zone must also include a description of deterioration of the environment itself—by pollution of bays and estuaries, by hurricane damage and wave erosion, and by inadvertent human abuse of a fragile ecology that forms the habitat of important fish and wildlife. For example, the coastal zone is the most important habitat of domestic fishery resources supplying 90 to 95 percent of the total U.S. catch; but our estuaries are being altered, directly threatening many of these valuable fishery resources.

"The scope, diversity, and significance of activities in the coastal zone are so broad that practically all institutions of our society have become involved in its use and management—private individuals who own shoreline; industrial, conservation, and recreational interests; local and State governments; and the Federal Government."

Although environmental problems in the marine environment are most severe within the coastal zone, even the deep oceans are not immune. DDT and its degradation products may be found throughout the world's oceans; domestic, industrial, and radioactive wastes are deliberately deposited on the ocean floor; increasing atmospheric CO₂ content could reduce the size of the Arctic and Antarctic ice masses, raise sea levels, and elevate oceanic temperatures.

Marine environmental problems are already severe, and will become more so as exploding populations exert ever-increasing demands upon the sea. The Marine Sciences Council has recognized this problem in its consideration of the planned use of the coastal zone, the development of fuels and minerals from marine sources, the national contingency plan for oil and hazardous materials, and other issues which have come before it. While we recognize the importance of protecting the marine environment against the abuses of man, we also recognize that this problem transcends the marine environment, and is best attacked from a broader viewpoint. We also feel it desirable to obtain the guidance of the Congress in developing a national policy for use of the total environment and appreciate the need to keep the Nation informed as to the state of the environment and the effectiveness of environmental management.

The President, as you know, has recently created, through Executive order, a Cabinet-level council concerned with environmental quality. In view of this action, you may want to consider the need for establishment of a statutory council of advisers.

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,

EDWARD WENK, Jr.

NATIONAL SCIENCE FOUNDATION,
OFFICE OF THE DIRECTOR,
Washington, D.C., June 20, 1969.

HON. EDWARD A. GARMATZ,
Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in further reply to your request of March 4, 1969, for comments on H.R. 6750, to amend the Fish and Wildlife Coordination Act to provide for the establishment of a Council on Environmental Quality, and for other purposes.

As in the case of similar legislation recently introduced, the National Science Foundation favors the objectives of H.R. 6750. The bill is concerned with the relation of man to his environment, and deals with physical and natural hazards and the resultant consequences to the community. The proposed Council on Environmental Quality appears in some respects to be modeled on the Council of Economic Advisers.

We believe, however, that a statutory Environmental Council should be considered within the context of governmental organization and the totality of agency missions in the environmental field before legislation on the matter is enacted. For example, there already is a Committee on Environmental Quality in the Federal Council on Science and Technology, and the President has recently established a Council for Urban Affairs as a first move toward reordering the interdepartmental coordination of domestic agency functions. In addition, the President has recently established a Cabinet-level Council on Environmental Quality. It might, therefore, be preferable to defer action on this matter until the organization of the new administration in these areas takes more definite form.

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

Sincerely yours,

LELAND J. HAWORTH, *Director.*

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE,
Washington, D.C., June 19, 1969.

HON. EDWARD A. GARMATZ,
Chairman, Committee on Merchant Marine and Fisheries, House of
Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to your request for the views of the Department of Defense on H.R. 6750, 91st Congress, a bill to amend the Fish and Wildlife Coordination Act to provide for the establishment of a Council on Environmental Quality, and for other purposes.

The bill would establish in the Executive Office of the President a Council on Environmental Quality composed of members appointed by the President, with the advice and consent of the Senate. The President would also be required to submit an annual environmental quality report to the Congress. In addition, the Fish and Wildlife Coordination Act would be amended to provide that it is Federal policy to cooperate with State and local governments and other

organizations to use all practical means and measures to promote the general welfare with respect to environmental quality.

The President, by Executive Order 11472, on May 29, 1969, established an Environmental Quality Council, which provides a means for developing and coordinating a comprehensive effort among the departments and agencies of the Federal Government having responsibilities in the various aspects of environmental quality. The Department of Defense defers to the views of the Executive Office of the President with regard to the need for the enactment of H.R. 6750.

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

Sincerely,

FRANK A. BARTIMO,
Acting General Counsel.

DEPARTMENT OF AGRICULTURE,
Washington, May 12, 1969.

HON. EDWARD A. GARMATZ,
*Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives.*

DEAR MR. CHAIRMAN: This is in response to your request for a report on H.R. 6750, a bill to amend the Fish and Wildlife Coordination Act to provide for the establishment of a Council on Environmental Quality, and for other purposes.

H.R. 6750 would amend the Fish and Wildlife Coordination Act by adding a new section 5(a) to the act relating to an environmental quality report and Council on Environmental Quality.

The new section 5(a) would require the President to submit to the Congress annually, beginning June 30, 1970, an environmental quality report. This report would set forth (1) the status and condition of the major natural, manmade, or altered environmental classes of the Nation, and (2) the current and foreseeable trends in management and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation.

The new section would also create in the Executive Office of the President a three-member Council on Environmental Quality, appointed by the President by and with the advice and consent of the Senate. Each member would be exceptionally qualified to analyze and interpret environmental information of all kinds, to appraise environmental programs and activities of the Government, and to formulate and recommend national policy to promote improvement of environmental quality. The Council would (1) assist and advise the President in the preparation of the environmental quality report, (2) gather, analyze, and interpret information concerning environmental quality, (3) appraise various Federal programs to determine the extent to which they are contributing to the policy set forth in the bill, (4) develop and recommend to the President national policies to foster and promote improvement of the environmental quality and, (5) make and furnish studies, reports, and recommendations as requested by the President. The Council would also make an annual report to the President each year.

The Department of Agriculture supports the objectives of H.R. 6750.

The environment in which we live affects, for better or worse, or 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 affected, favorably or adversely, by Federal, State, and local programs and activities and by the every-day activities of agriculture, industry, and people. We believe that our complex and highly technical society could well benefit from a continuing, detached, and broad appraisal of factors that affect our environment.

However, we do not recommend enactment of H.R. 6750. The President has announced his intention to establish 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.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, as amended, changes in existing law made by the bill as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in *roman*):

Fish and Wildlife Coordination Act

Act of March 10, 1934 (48 Stat. 401), as amended (16 U.S.C. 661-666c)

SECTION. 1. For the purpose of recognizing the vital contribution of our wildlife resources to the Nation, the increasing public interest and significance thereof due to expansion of our national economy and other factors, and to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs through the effectual and harmonious planning, development, maintenance, and coordination of wildlife conservation and rehabilitation for the purposes of this Act in the United States, its Territories and possessions, the Secretary of the Interior is authorized (1) to provide assistance to, and cooperate with, Federal, State, and public or private agencies and organizations in the development, protection, rearing, and stocking of all species of wildlife, resources thereof, and their habitat, in controlling losses of the same from disease or other causes, in minimizing damages from overabundant species, in providing public shooting and fishing areas, including easements across public lands for access thereto, and in carrying out other measures necessary to effectuate the purposes of said sections;

(2) to make surveys and investigations of the wildlife of the public domain, including lands and waters or interests therein acquired or controlled by any agency of the United States; and (3) to accept donations of land and contributions of funds in furtherance of the purposes of said sections.

SEC. 2. (a) Except as hereafter stated in subsection (h) of this section, whenever the waters of any stream or other body of water are proposed or authorized to be impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever, including navigation and drainage, by any department or agency of the United States, or by any public or private agency under Federal permit or license, such department or agency first shall consult with the United States Fish and Wildlife Service, Department of the Interior, and with the head of the agency exercising administration over the wildlife resources of the particular State wherein the impoundment, diversion, or other control facility is to be constructed, with a view to the conservation of wildlife resources by preventing loss of and damage to such resources as well as providing for the development and improvement thereof in connection with such water-resource development.

(b) In furtherance of such purposes, the reports and recommendations of the Secretary of the Interior on the wildlife aspects of such projects, and any report of the head of the State agency exercising administration over the wildlife resources of the State, based on surveys and investigations conducted by the United States Fish and Wildlife Service and such State agency for the purpose of determining the possible damage to wildlife resources and for the purpose of determining means and measures that should be adopted to prevent the loss of or damage to such wildlife resources, as well as to provide concurrently for the development and improvement of such resources, shall be made an integral part of any report prepared or submitted by any agency of the Federal Government responsible for engineering surveys and construction of such projects when such reports are presented to the Congress or to any agency or person having the authority or the power, by administrative action or otherwise, (1) to authorize the construction of water-resource development projects or (2) to approve a report on the modification or supplementation of plans for previously authorized projects, to which this Act applies. Recommendations of the Secretary of the Interior shall be as specific as is practicable with respect to features recommended for wildlife conservation and development, lands to be utilized or acquired for such purposes, the results expected, and shall describe the damage to wildlife attributable to the project and the measures proposed for mitigating or compensating for these damages. The reporting officers in project reports of the Federal agencies shall give full consideration to the report and recommendations of the Secretary of the Interior and to any report of the State agency on the wildlife aspects of such projects, and the project plan shall include such justifiable means and measures for wildlife purposes as the reporting agency finds should be adopted to obtain maximum overall project benefits.

(c) Federal agencies authorized to construct or operate water-control projects are authorized to modify or add to the structures and operations of such projects, the construction of which has not been

substantially completed on the date of enactment of the Fish and Wildlife Coordination Act, and to acquire lands in accordance with section 3 of this Act, in order to accommodate the means and measures for such conservation of wildlife resources as an integral part of such projects: *Provided*, That for projects authorized by a specific Act of Congress before the date of enactment of the Fish and Wildlife Coordination Act (1) such modification or land acquisition shall be compatible with the purposes for which the project was authorized; (2) the cost of such modifications or land acquisition, as means and measures to prevent loss of and damage to wildlife resources to the extent justifiable, shall be an integral part of the cost of such projects; and (3) the cost of such modifications or land acquisition for the development or improvement of wildlife resources may be included to the extent justifiable, and an appropriate share of the cost of any project may be allocated for this purpose with a finding as to the part of such allocated cost, if any, to be reimbursed by non-Federal interests.

(d) The cost of planning for and the construction or installation and maintenance of such means and measures adopted to carry out the conservation purposes of this section shall constitute an integral part of the cost of such projects: *Provided*, That such cost attributable to the development and improvement of wildlife shall not extend beyond those necessary for (1) land acquisition, (2) modification of the project, and (3) modification of project operations; but shall not include the operation of wildlife facilities nor the construction of such facilities beyond those herein described: *And provided further*, That, in the case of projects authorized to be constructed, operated, and maintained in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), the Secretary of the Interior, in addition to allocations made under section 9 of the Reclamation Project Act of 1939 (53 Stat. 1187), shall make findings on the part of the estimated cost of the project which can properly be allocated to means and measures to prevent loss of and damage to wildlife resources, which costs shall not be reimbursable, and an appropriate share of the project costs may be allocated to development and improvement of wildlife resources, with a finding as to the part of such allocated costs, if any, to be reimbursed by non-Federal fish and wildlife agencies or interests.

(e) In the case of construction by a Federal agency, that agency is authorized to transfer to the United States Fish and Wildlife Service, out of appropriations or other funds made available for investigations, engineering, or construction, such funds as may be necessary to conduct all or part of the investigations required to carry out the purposes of this section.

(f) In addition to other requirements, there shall be included in any report submitted to Congress supporting a recommendation for authorization of any new project for the control or use of water as described herein (including any new division of such project or new supplemental works on such project) an estimation of the wildlife benefits or losses to be derived therefrom including benefits to be derived from measures recommended specifically for the development and improvement of wildlife resources, the cost of providing wildlife benefits (including the cost of additional facilities to be installed or lands to be acquired specifically for that particular phase of wildlife conservation relating to the development and improvement of wild-

life), the part of the cost of joint-use facilities allocated to wildlife, and the part of such costs, if any, to be reimbursed by non-Federal interests.

(g) The provisions of this section shall be applicable with respect to any project for the control or use of water as prescribed herein, or any unit of such project authorized before or after the date of enactment of the Fish and Wildlife Coordination Act for planning or construction, but shall not be applicable to any project or unit thereof authorized before the date of enactment of the Fish and Wildlife Coordination Act if the construction of the particular project or unit thereof has been substantially completed. A project or unit thereof shall be considered to be substantially completed when sixty percent or more of the estimated construction cost has been obligated for expenditure.

(h) The provisions of this Act shall not be applicable to those projects for the impoundment of water where the maximum surface area of such impoundments is less than 10 acres, nor to activities for or in connection with programs primarily for land management and use carried out by Federal agencies with respect to Federal lands under their jurisdiction.

SEC. 3. (a) Subject to the exceptions prescribed in section 2(h) of this Act, whenever the waters of any stream or other body of water are impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever, including navigation and drainage, by any department or agency of the United States, adequate provision, consistent with the primary purposes of such impoundment, diversion, or other control, shall be made for the use thereof, together with any areas of land, water, or interests therein, acquired or administered by a Federal agency in connection therewith, for the conservation, maintenance, and management of wildlife resources thereof, and its habitat thereon, including the development and improvement of such wildlife resources pursuant to the provisions of section 2 of this Act.

(b) The use of such waters, land, or interests therein for wildlife conservation purposes shall be in accordance with general plans approved jointly (1) by the head of the particular department or agency exercising primary administration in each instance, (2) by the Secretary of the Interior, and (3) by the head of the agency exercising the administration of the wildlife resources of the particular State wherein the waters and areas lie. Such waters and other interests shall be made available, without cost for administration, by such State agency, if the management of the properties relate to the conservation of wildlife other than migratory birds, or by the Secretary of the Interior, for administration in such manner as he may deem advisable, where the particular properties have value in carrying out the national migratory bird management program: *Provided*, That nothing in this section shall be construed as affecting the authority of the Secretary of Agriculture to cooperate with the States or in making lands available to the States with respect to the management of wildlife and wildlife habitat on lands administered by him.

(c) When consistent with the purposes of this Act and the reports and findings of the Secretary of the Interior prepared in accordance with section 2 [of this Act], land, waters, and interests therein may be acquired by Federal construction agencies for the wildlife con-

serva­tion and develop­ment pur­poses of this Act in con­nec­tion with a project as rea­sonably needed to pre­serve and as­sure for the pub­lic benefit the wild­life po­ten­tials of the par­ticu­lar project area: *Pro­vided*, That be­fore prop­er­ties are ac­quired for this pur­pose, the prob­able ex­tent of such ac­qui­si­tion shall be set forth, along with other data nec­essary for project au­thoriza­tion, in a re­port sub­mitted to the Con­gress, or in the case of a project pre­viously au­thorized, no such prop­er­ties shall be ac­quired un­less spec­ifi­cally au­thorized by Con­gress if spec­ific au­thority for such ac­qui­si­tion is recom­mended by the con­struc­tion agency.

(d) Prop­er­ties ac­quired for the pur­poses of this sec­tion shall con­tinue to be used for such pur­poses, and shall not be­come the sub­ject of ex­change or other trans­ac­tions if such ex­change or other trans­ac­tion would de­feat the ini­tial pur­pose of their ac­qui­si­tion.

(e) Fed­eral lands ac­quired or with­drawn for Fed­eral wa­ter-re­source pur­poses and made avail­able to the States or to the Sec­retary of the In­terior for wild­life man­age­ment pur­poses, shall be made avail­able for such pur­poses in ac­cordance with this Act, not­with­stand­ing other pro­visions of law.

(f) Any lands ac­quired pur­suant to this sec­tion by any Fed­eral agency within the ex­terior bound­aries of a na­tional forest shall, upon ac­qui­si­tion, be added to and be­come na­tional forest lands, and shall be ad­min­is­tered as a part of the forest within which they are situ­ated, sub­ject to all laws ap­plic­able to lands ac­quired under the pro­visions of the Act of March 1, 1911 (36 Stat. 961), un­less such lands are ac­quired to carry out the Na­tional Migra­tory Bird Man­age­ment Pro­gram.

SEC. 4. Such areas as are made avail­able to the Sec­retary of the In­terior for the pur­poses of this Act, pur­suant to sec­tions 1 and 3 [of this Act] or pur­suant to any other au­thoriza­tion, shall be ad­min­is­tered by him di­rectly or in ac­cordance with co­op­er­ative agree­ments en­tered into pur­suant to the pro­visions of sec­tion 1 of this Act and in ac­cordance with such rules and reg­u­la­tions for the con­ser­va­tion, main­te­nance, and man­age­ment of wild­life, re­sources there­of, and its habi­tat there­on, as may be adopted by the Sec­retary in ac­cordance with gen­eral plans ap­proved jointly by the Sec­retary of the In­terior and the head of the de­part­ment or agency ex­ercising pri­mary ad­min­is­tra­tion of such areas: *Pro­vided*, That such rules and reg­u­la­tions shall not be in­con­sis­tent with the laws for the pro­tec­tion of fish and game of the States in which such area is situ­ated: *Pro­vided fur­ther*, That lands hav­ing value to the Na­tional Migra­tory Bird Man­age­ment Pro­gram may, pur­suant to gen­eral plans, be made avail­able with­out cost di­rectly to the State agency hav­ing con­trol over wild­life re­sources, if it is jointly de­ter­mined by the Sec­retary of the In­terior and such State agency that this would be in the pub­lic in­terest: *And pro­vided fur­ther*, That the Sec­retary of the In­terior shall have the right to as­sume the man­age­ment and ad­min­is­tra­tion of such lands in be­half of the Na­tional Migra­tory Bird Man­age­ment Pro­gram if the Sec­retary finds that the State agency has with­drawn from or other­wise re­lin­quished such man­age­ment and ad­min­is­tra­tion.

SEC. 5. The Sec­retary of the In­terior, through the Fish and Wild­life Ser­vice and the Bu­reau of Mines, is au­thorized to make such in­vestiga­tions as he deems nec­essary to de­ter­mine the effects of domes­tic sewage, mine, pet­ro­leum, and in­dus­trial wastes, ero­sion silt, and

other polluting substances on wildlife, and to make reports to the Congress concerning such investigations and of recommendations for alleviating dangerous and undesirable effects of such pollution. These investigations shall include (1) the determination of standards of water quality for the maintenance of wildlife; (2) the study of methods of abating and preventing pollution, including methods for the recovery of useful or marketable products and byproducts of wastes; and (3) the collation and distribution of data on the progress and results of such investigations for the use of Federal, State, municipal, and private agencies, individuals, organizations, or enterprises.

SEC. 5A. (a) The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, both living and nonliving, and the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, urban and rural planners, industry, labor, agriculture, science, and conservation organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

(b) The President shall transmit to the Congress annually beginning June 30, 1970, an Environmental Quality Report (hereinafter referred to as the 'report') which shall set forth (1) the status and condition of the major natural, manmade, or altered environmental classes of the Nation, including, but not limited to, the air, the aquatic, including marine, estuarine, and fresh water, and the terrestrial environment, including, but not limited to, the forest, dryland, wetland, range, urban, suburban, and rural environment; and (2) current and foreseeable trends in management and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation.

(c)(1) There is created in the Executive Office of the President a Council on Environmental Quality (hereafter referred to as the "Council"). The Council shall be composed of five members who shall be appointed by the President, by and with the advice and consent of the Senate, one of whom the President shall designate as chairman, and each of whom shall be a person who, as a result of his training, experience, and attainments, is exceptionally qualified to analyze and interpret environmental information of all kinds, to appraise programs and activities of the Government in the light of the policy set forth in subsection (a) of this section, and to formulate and recommend national policy to promote the improvement of our environmental quality.

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

(3) It shall be the duty and function of the Council—

(A) to assist and advise the President in the preparation of the Environmental Quality Report;

(B) to gather timely and authoritative information concerning the conditions and trends in environmental qualities both current and

prospective, to analyze and interpret such information for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the policy set forth in subsection (a) of this section, and to compile and submit to the President studies relating to such conditions and trends;

(C) to appraise the various programs and activities of the Federal Government in the light of the policy set forth in subsection (a) of this section for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations to the President with respect thereto;

(D) to develop and recommend to the President national policies to foster and promote the improvement of environmental quality to meet social, economic, and other requirements of the Nation; and

(E) to make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the President may request.

(4) The Council shall make an annual report to the President in May of each year.

(5) In exercising its powers, functions, and duties under this section—

(A) the Council shall consult with such representatives of science, industry, agriculture, labor, conservation, organizations, State and local governments, and other groups, as it deems advisable; and

(B) the Council shall, to the fullest extent possible, utilize the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided.

[SEC. 5A] *Sec. 5B.* In the management of existing facilities (including locks, dams, and pools) in the Mississippi River between Rock Island, Illinois, and Minneapolis, Minnesota, administered by the United States Corps of Engineers of the Department of the Army, that Department is directed to give full consideration and recognition to the needs of fish and other wildlife resources and their habitat dependent on such waters, without increasing additional liability to the Government, and, to the maximum extent possible without causing damage to levee and drainage districts, adjacent railroads and highways, farm lands, and dam structures, shall generally operate and maintain pool levels as though navigation was carried on throughout the year.

SEC. 6. There is authorized to be appropriated from time to time, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions of this Act and regulations made pursuant thereto, including the construction of such facilities, buildings, and other improvements necessary for economical administration of areas made available to the Secretary of the Interior under said sections of this Act, and the employment in the city of Washington and elsewhere of such persons and means as the Secretary of the Interior may deem necessary for such purposes.

SEC. 7. Any person who shall violate any rule or regulation promulgated in accordance with this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500 or imprisoned for not more than one year, or both.

SEC. 8. The terms "wildlife" and wildlife resources" as used in this Act include birds, fishes, mammals, and all other classes of wild ani-

mals and all types of aquatic and land vegetation upon which wildlife is dependent.

SEC. 9. The provisions of this Act shall not apply to the Tennessee Valley Authority.

SECTION 5313 OF TITLE 5, UNITED STATES CODE

§ 5313. Positions at level II

Level II of the Executive Schedule applies to the following positions, for which the annual rate of basic pay is \$30,000:

- (1) Deputy Secretary of Defense.
- (2) Under Secretary of State.
- (3) Administrator, Agency for International Development.
- (4) Administrator of the National Aeronautics and Space Administration.
- (5) Administrator of Veterans' Affairs.
- (6) Repealed. Pub. L. 90-83. § 1(13), Sept. 11, 1967, 81 Stat. 198.
- (7) Under Secretary of Transportation.
- (8) Chairman, Atomic Energy Commission.
- (9) Chairman, Council of Economic Advisers.
- (10) Chairman, Board of Governors of the Federal Reserve System.
- (11) Director of the Bureau of the Budget.
- (12) Director of the Office of Science and Technology.
- (13) Director of the United States Arms Control and Disarmament Agency.
- (14) Director of the United States Information Agency.
- (15) Director of Central Intelligence.
- (16) Secretary of the Air Force.
- (17) Secretary of the Army.
- (18) Secretary of the Navy.
- (19) Administrator, Federal Aviation Administration.
- (20) *Chairman, Council on Environmental Quality.*

SECTION 5315 OF TITLE 5, UNITED STATES CODE

§ 5315. Positions at level IV

Level IV of the Executive Schedule applies to the following positions, for which the annual rate of basic pay is \$27,000:

- (1) Administrator, Bureau of Security and Consular Affairs, Department of State.
- (2) Repealed. Pub.L. 89-670, § 10(e), Oct. 15, 1966, 80 Stat. 948.
- (3) Deputy Administrator of General Services.
- (4) Associate Administrator of the National Aeronautics and Space Administration.
- (5) Assistant Administrators, Agency for International Development (6).
- (6) Regional Assistant Administrators, Agency for International Development (4).
- (7) Under Secretary of the Air Force.
- (8) Under Secretary of the Army.

- (9) Under Secretary of the Navy.
- (10) Deputy Under Secretaries of State (2).
- (11) Assistant Secretaries of Agriculture (3).
- (12) Assistant Secretaries of Commerce (5).
- (13) Assistant Secretaries of Defense (7).
- (14) Assistant Secretaries of the Air Force (3).
- (15) Assistant Secretaries of the Army (3).
- (16) Assistant Secretaries of the Navy (3).
- (17) Assistant Secretaries of Health, Education, and Welfare
- (5).
- (18) Assistant Secretaries of the Interior (5).
- (19) Assistant Attorneys General (9).
- (20) Assistant Secretaries of Labor (4).
- (21) Assistant Postmasters General (6).
- (22) Assistant Secretaries of State (11).
- (23) Assistant Secretaries of the Treasury (4).
- (24) Chairman of the United States Tariff Commission.
- (25)–(28) Repealed. Pub.L. 90–83, § 1(15) (E), Sept. 11, 1967, 81 Stat. 198.
- (29) Director of Civil Defense, Department of the Army.
- (30) Repealed. Pub.L. 90–83, § 1(15) (E), Sept. 11, 1967, 81 Stat. 198.
- (31) Deputy Chief Medical Director in the Department of Medicine and Surgery, Veterans' Administration.
- (32) Deputy Director of the Office of Emergency Planning.
- (33) Deputy Director of the Office of Science and Technology.
- (34) Deputy Director of the Peace Corps.
- (35) Deputy Director of the United States Arms Control and Disarmament Agency.
- (36) Deputy Director of the United States Information Agency.
- (37) Assistant Directors of the Bureau of the Budget (3).
- (38) General Counsel of the Department of Agriculture.
- (39) General Counsel of the Department of Commerce.
- (40) General Counsel of the Department of Defense.
- (41) General Counsel of the Department of Health, Education, and Welfare.
- (42) Solicitor of the Department of the Interior.
- (43) Solicitor of the Department of Labor.
- (44) General Counsel of the National Labor Relations Board.
- (45) General Counsel of the Post Office Department.
- (46) Counselor of the Department of State.
- (47) Legal Adviser of the Department of State.
- (48) General Counsel of the Department of the Treasury.
- (49) First Vice President of the Export-Import Bank of Washington.
- (50) General Manager of the Atomic Energy Commission.
- (51) Governor of the Farm Credit Administration.
- (52) Inspector General, Foreign Assistance.
- (53) Deputy Inspector General, Foreign Assistance.
- (54) Members, Civil Aeronautics Board.
- (55) Members, Council of Economic Advisers.
- (56) Members, Board of Directors of the Export-Import Bank of Washington.
- (57) Members, Federal Communications Commission.

(58) Member, Board of Directors of the Federal Deposit Insurance Corporation.

(59) Members, Federal Home Loan Bank Board.

(60) Members, Federal Power Commission.

(61) Members, Federal Trade Commission.

(62) Members, Interstate Commerce Commission.

(63) Members, National Labor Relations Board.

(64) Members, Securities and Exchange Commission.

(65) Members, Board of Directors of the Tennessee Valley Authority.

(66) Members, United States Civil Service Commission.

(67) Members, Federal Maritime Commission.

(68) Members, National Mediation Board.

(69) Members, Railroad Retirement Board.

(70) Director of Selective Service.

(71) Associate Director of the Federal Bureau of Investigation, Department of Justice.

(72) Chairman, Equal Employment Opportunity Commission.

(73) Chief of Protocol, Department of State.

(74) Director, Bureau of Intelligence and Research, Department of State.

(75) Director, Community Relations Service.

(76) United States Attorney for the District of Columbia.

(77) United States Attorney for the Southern District of New York.

(78) Members, National Transportation Safety Board.

(79) General Counsel, Department of Transportation.

(80) Deputy Administrator, Federal Aviation Administration.

(81) Assistant Secretaries of Transportation (4).

(82) Director of Public Roads.

(83) Administrator of the St. Lawrence Seaway Development Corporation.

(84) Assistant Secretary for Science, Smithsonian Institution.

(85) Assistant Secretary for History and Art, Smithsonian Institution.

(86) Deputy Administrator of the Small Business Administration.

(87) Assistant Secretaries of Housing and Urban Development (6).

(88) General Counsel of the Department of Housing and Urban Development.

(89) Commissioner of Interama.

(90) Administrator of Law Enforcement Assistance.

(91) Federal Insurance Administrator, Department of Housing and Urban Development.

(92) *Members, Council on Environmental Quality.*

COUNCIL ON ENVIRONMENTAL QUALITY

JULY 19, 1969.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GARMATZ, from the Committee on Merchant Marine and Fisheries, submitted the following

SUPPLEMENTAL REPORT

[To accompany H.R. 12549]

Since the filing of Report No. 91-378 on July 11, 1969, to accompany H.R. 12549, it has been noted that the report mentioned does not accurately show changes in existing law, as required in clause 3 of rule XIII of the Rules of the House of Representatives. The House, at the request of Mr. Dingell on July 17, 1969, gave the committee permission to file a supplemental report.

In compliance with the rule mentioned, therefore, the provisions of existing law proposed to be changed by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

FISH AND WILDLIFE COORDINATION ACT

Act of March 10, 1934, as Amended (48 Stat. 401; 16 U.S.C. 661-666c)

For the purpose of recognizing the vital contribution of our wildlife resources to the Nation, the increasing public interest and significance thereof due to expansion of our national economy and other factors, and to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs through the effectual and harmonious planning, development, maintenance, and coordination of wildlife conservation and rehabilitation for the purposes of this Act in the United States, its Territories and possessions, the Secretary of the Interior is authorized (1) to provide assistance to, and cooperate with, Federal, State, and public or private agencies and organizations in the development, protection, rearing, and stocking of all species of wildlife,

resources thereof, and their habitat, in controlling losses of the same from disease or other causes, in minimizing damages from overabundant species, in providing public shooting and fishing areas, including easements across public lands for access thereto, and in carrying out other measures necessary to effectuate the purposes of this Act; (2) to make surveys and investigations of the wildlife of the public domain, including lands and waters or interests therein acquired or controlled by any agency of the United States; and (3) to accept donations of land and contributions of funds in furtherance of the purposes of this Act.

SEC. 2. (a) Except as hereafter stated in subsection (h) of this section, whenever the waters of any stream or other body of water are proposed or authorized to be impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever, including navigation and drainage, by any department or agency of the United States, or by any public or private agency under Federal permit or license, such department or agency first shall consult with the United States Fish and Wildlife Service, Department of the Interior, and with the head of the agency exercising administration over the wildlife resources of the particular State wherein the impoundment, diversion, or other control facility is to be constructed, with a view to the conservation of wildlife resources by preventing loss of and damage to such resources as well as providing for the development and improvement thereof in connection with such water-resource development.

(b) In furtherance of such purposes, the reports and recommendations of the Secretary of the Interior on the wildlife aspects of such projects, and any report of the head of the State agency exercising administration over the wildlife resources of the State, based on surveys and investigations conducted by the United States Fish and Wildlife Service and such State agency for the purpose of determining the possible damage to wildlife resources and for the purpose of determining means and measures that should be adopted to prevent the loss of or damage to such wildlife resources, as well as to provide concurrently for the development and improvement of such resources, shall be made an integral part of any report prepared or submitted by any agency of the Federal Government responsible for engineering surveys and construction of such projects when such reports are presented to the Congress or to any agency or person having the authority or the power, by administrative action or otherwise, (1) to authorize the construction of water-resource development projects or (2) to approve a report on the modification or supplementation of plans for previously authorized projects, to which this Act applies. Recommendations of the Secretary of the Interior shall be as specific as is practicable with respect to features recommended for wildlife conservation and development, lands to be utilized or acquired for such purposes, the results expected, and shall describe the damage to wildlife attributable to the project and the measures proposed for mitigating or compensating for these damages. The reporting officers in project reports of the Federal agencies shall give full consideration to the report and recommendations of the Secretary of the Interior and to any report of the State agency on the wildlife aspects of such projects, and the project plan shall include such justifiable means and

measures for wildlife purposes as the reporting agency finds should be adopted to obtain maximum overall project benefits.

(c) Federal agencies authorized to construct or operate water-control projects are hereby authorized to modify or add to the structures and operations of such projects, the construction of which has not been substantially completed on the date of enactment of the Fish and Wildlife Coordination Act, and to acquire lands in accordance with section 3 of this Act, in order to accommodate the means and measures for such conservation of wildlife resources as an integral part of such projects: *Provided*, That for projects authorized by a specific Act of Congress before the date of enactment of the Fish and Wildlife Coordination Act (1) such modification or land acquisition shall be compatible with the purposes for which the project was authorized; (2) the cost of such modifications or land acquisition, as means and measures to prevent loss of and damage to wildlife resources to the extent justifiable, shall be an integral part of the cost of such projects; and (3) the cost of such modifications or land acquisition for the development or improvement of wildlife resources may be included to the extent justifiable, and an appropriate share of the cost of any project may be allocated for this purpose with a finding as to the part of such allocated cost, if any, to be reimbursed by non-Federal interests.

(d) The cost of planning for and the construction or installation and maintenance of such means and measures adopted to carry out the conservation purposes of this section shall constitute an integral part of the cost of such projects: *Provided*, That such cost attributable to the development and improvement of wildlife shall not extend beyond that necessary for (1) land acquisition, (2) facilities as specifically recommended in water resource project reports, (3) modification of the project, and (4) modification of project operations, but shall not include the operation of wildlife facilities.

(e) In the case of construction by a Federal agency, that agency is authorized to transfer to the United States Fish and Wildlife Service, out of appropriations or other funds made available for investigations, engineering, or construction, such funds as may be necessary to conduct all or part of the investigations required to carry out the purposes of this section.

(f) In addition to other requirements, there shall be included in any report submitted to Congress supporting a recommendation for authorization of any new project for the control or use of water as described herein (including any new division of such project or new supplemental works on such project) an estimation of the wildlife benefits or losses to be derived therefrom including benefits to be derived from measures recommended specifically for the development and improvement of wildlife resources, the cost of providing wildlife benefits (including the cost of additional facilities to be installed or lands to be acquired specifically for that particular phase of wildlife conservation relating to the development and improvement of wildlife), the part of the cost of joint-use facilities allocated to wildlife, and the part of such costs, if any, to be reimbursed by non-Federal interests.

(g) The provisions of this section shall be applicable with respect to any project for the control or use of water as prescribed herein,

or any unit of such project authorized before or after the date of enactment of the Fish and Wildlife Coordination Act for planning or construction, but shall not be applicable to any project or unit thereof authorized before the date of enactment of the Fish and Wildlife Coordination Act if the construction of the particular project or unit thereof has been substantially completed. A project or unit thereof shall be considered to be substantially completed when sixty percent or more of the estimated construction cost has been obligated for expenditure.

(h) The provisions of this Act shall not be applicable to those projects for the impoundment of water where the maximum surface area of such impoundments is less than ten acres, nor to activities for or in connection with programs primarily for land management and use carried out by Federal agencies with respect to Federal lands under their jurisdiction.

SEC. 3. (a) Subject to the exceptions prescribed in section 2 (h) of this Act, whenever the waters of any stream or other body of water are impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever, including navigation and drainage, by any department or agency of the United States, adequate provision, consistent with the primary purposes of such impoundment, diversion, or other control, shall be made for the use thereof, together with any areas of land, water, or interests therein, acquired or administered by a Federal agency in connection therewith, for the conservation, maintenance, and management of wildlife resources thereof, and its habitat thereon, including the development and improvement of such wildlife resources pursuant to the provisions of section 2 of this Act.

(b) The use of such waters, land, or interests therein for wildlife conservation purposes shall be in accordance with general plans approved jointly (1) by the head of the particular department or agency exercising primary administration in each instance, (2) by the Secretary of the Interior, and (3) by the head of the agency exercising the administration of the wildlife resources of the particular State wherein the waters and areas lie. Such waters and other interests shall be made available, without cost for administration, by such State agency, if the management of the properties relate to the conservation of wildlife other than migratory birds, or by the Secretary of the Interior, for administration in such manner as he may deem advisable, where the particular properties have value in carrying out the national migratory bird management program: *Provided*, That nothing in this section shall be construed as affecting the authority of the Secretary of Agriculture to cooperate with the States or in making lands available to the States with respect to the management of wildlife and wildlife habitat on lands administered by him.

(c) When consistent with the purposes of this Act and the reports and findings of the Secretary of the Interior prepared in accordance with section 2, land, waters, and interests therein may be acquired by Federal construction agencies for the wildlife conservation and development purposes of this Act in connection with a project as reasonably needed to preserve and assure for the public benefit the wildlife potentials of the particular project area: *Provided*, That before properties are acquired for this purpose, the probable extent

of such acquisition shall be set forth, along with other data necessary for project authorization, in a report submitted to the Congress, or in the case of a project previously authorized, no such properties shall be acquired unless specifically authorized by Congress, if specific authority for such acquisition is recommended by the construction agency.

(d) Properties acquired for the purposes of this section shall continue to be used for such purposes, and shall not become the subject of exchange or other transactions if such exchange or other transaction would defeat the initial purpose of their acquisition.

(e) Federal lands acquired or withdrawn for Federal water-resource purposes and made available to the States or to the Secretary of the Interior for wildlife management purposes, shall be made available for such purposes in accordance with this Act, notwithstanding other provisions of law.

(f) Any lands acquired pursuant to this section by any Federal agency within the exterior boundaries of a national forest shall, upon acquisition, be added to and become national forest lands, and shall be administered as a part of the forest within which they are situated, subject to all laws applicable to lands acquired under the provisions of the Act of March 1, 1911 (36 Stat. 961), unless such lands are acquired to carry out the National Migratory Bird Management Program.

SEC. 4. Such areas as are made available to the Secretary of the Interior for the purposes of this Act, pursuant to sections 1 and 3 or pursuant to any other authorization, shall be administered by him directly or in accordance with cooperative agreements entered into pursuant to the provisions of the first section of this Act and in accordance with such rules and regulations for the conservation, maintenance, and management of wildlife, resources thereof, and its habitat thereon, as may be adopted by the Secretary in accordance with general plans approved jointly by the Secretary of the Interior and the head of the department or agency exercising primary administration of such areas: *Provided*, That such rules and regulations shall not be inconsistent with the laws for the protection of fish and game of the States in which such area is situated (16 U. S. C., sec. 664): *Provided further*, That lands having value to the National Migratory Bird Management Program may, pursuant to general plans, be made available without cost directly to the State agency having control over wildlife resources, if it is jointly determined by the Secretary of the Interior and such State agency that this would be in the public interest: *And provided further*, That the Secretary of the Interior shall have the right to assume the management and administration of such lands in behalf of the National Migratory Bird Management Program if the Secretary finds that the State agency has withdrawn from or otherwise relinquished such management and administration.

Sec. 5. The Secretary of the Interior, through the Fish and Wildlife Service and the Bureau of Mines, is authorized to make such investigations as he deems necessary to determine the effects of domestic sewage, mine, petroleum, and industrial wastes, erosion silt, and other polluting substances on wildlife, and to make reports to the Congress concerning such investigations and of recommenda-

tions for alleviating dangerous and undesirable effects of such pollution. These investigations shall include (1) the determination of standards of water quality for the maintenance of wildlife; (2) the study of methods of abating and preventing pollution, including methods for the recovery of useful or marketable products and byproducts of wastes; and (3) the collation and distribution of data on the progress and results of such investigations for the use of Federal, State, municipal, and private agencies, individuals, organizations, or enterprises.

SEC. 5A. (a) The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, both living and nonliving, and the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, urban and rural planners, industry, labor, agriculture, science, and conservation organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

(b) The President shall transmit to the Congress annually beginning June 30, 1970, an Environmental Quality Report (hereinafter referred to as the "report") which shall set forth (1) the status and condition of the major natural, manmade, or altered environmental classes of the Nation, including, but not limited to, the air, the aquatic, including marine, estuarine, and fresh water, and the terrestrial environment, including, but not limited to, the forest, dryland, wetland, range, urban, suburban, and rural environment; and (2) current and foreseeable trends in management and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation.

(c)(1) There is created in the Executive Office of the President a Council on Environmental Quality (hereafter referred to as the "Council"). The Council shall be composed of five members who shall be appointed by the President, by and with the advice and consent of the Senate, one of whom the President shall designate as chairman, and each of whom shall be a person who, as a result of his training, experience, and attainments, is exceptionally qualified to analyze and interpret environmental information of all kinds, to appraise programs and activities of the Government in the light of the policy set forth in subsection (a) of this section, and to formulate and recommend national policy to promote the improvement of our environmental quality.

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

(3) It shall be the duty and function of the Council—

(A) to assist and advise the President in the preparation of the Environmental Quality Report;

(B) to gather timely and authoritative information concerning the conditions and trends in environmental qualities both current and

prospective, to analyze and interpret such information for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the policy set forth in subsection (a) of this section, and to compile and submit to the President studies relating to such conditions and trends;

(C) to appraise the various programs and activities of the Federal Government in the light of the policy set forth in subsection (a) of this section for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations to the President with respect thereto;

(D) to develop and recommend to the President national policies to foster and promote the improvement of environmental quality to meet social, economic, and other requirements of the Nation; and

(E) to make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the President may request.

(4) The Council shall make an annual report to the President in May of each year.

(5) In exercising its powers, functions, and duties under this section—

(A) the Council shall consult with such representatives of science, industry, agriculture, labor, conservation, organizations, State and local governments, and other groups, as it deems advisable; and

(B) the Council shall, to the fullest extent possible, utilize the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided.

[SEC. 5A.] SEC. 5B. In the management of existing facilities (including locks, dams, and pools) in the Mississippi River between Rock Island, Illinois, and Minneapolis, Minnesota, administered by the United States Corps of Engineers of the Department of the Army, that Department is hereby directed to give full consideration and recognition to the needs of fish and other wildlife resources and their habitat dependent on such waters, without increasing additional liability to the Government, and, to the maximum extent possible without causing damage to levee and drainage districts, adjacent railroads and highways, farm lands, and dam structures, shall generally operate and maintain pool levels as though navigation was carried on throughout the year.

SEC. 6. There is authorized to be appropriated from time to time, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions of this Act and regulations made pursuant thereto, including the construction of such facilities, buildings, and other improvements necessary for economical administration of areas made available to the Secretary of the Interior under this Act, and the employment in the city of Washington and elsewhere of such persons and means as the Secretary of the Interior may deem necessary for such purposes.

SEC. 7. Any person who shall violate any rule or regulation promulgated in accordance with this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500 or imprisoned for not more than one year, or both.

SEC. 8. The terms "wildlife" and "wildlife resources" as used herein include birds, fishes, mammals, and all other classes of wild animals and all types of aquatic and land vegetation upon which wildlife is dependent.

SEC. 9. The provisions of this Act shall not apply to the Tennessee Valley Authority.

SECTION 5313 OF TITLE 5, UNITED STATES CODE

§ 5313. Positions at level II

Level II of the Executive Schedule applies to the following positions, for which the annual rate of basic pay is \$42,500:

- (1) Deputy Secretary of Defense.
- (2) Under Secretary of State.
- (3) Administrator, Agency for International Development.
- (4) Administrator of the National Aeronautics and Space Administration.
- (5) Administrator of Veterans' Affairs.
- (6) Repealed. Pub. L. 90-83. § 1(13), Sept. 11, 1967, 81 Stat. 198.
- (7) Under Secretary of Transportation.
- (8) Chairman, Atomic Energy Commission.
- (9) Chairman, Council of Economic Advisers.
- (10) Chairman, Board of Governors of the Federal Reserve System.
- (11) Director of the Bureau of the Budget.
- (12) Director of the Office of Science and Technology.
- (13) Director of the United States Arms Control and Disarmament Agency.
- (14) Director of the United States Information Agency.
- (15) Director of Central Intelligence.
- (16) Secretary of the Air Force.
- (17) Secretary of the Army.
- (18) Secretary of the Navy.
- (19) Administrator, Federal Aviation Administration.
- (19) Director of the National Science Foundation.
- (20) *Chairman, Council on Environmental Quality.*

SECTION 5315 OF TITLE 5, UNITED STATES CODE

§ 5315. Positions at level IV

Level IV of the Executive Schedule applies to the following positions, for which the annual rate of basic pay is \$38,000:

- (1) Administrator, Bureau of Security and Consular Affairs, Department of State.
- (2) Repealed. Pub. L. 89-670, § 10(e), Oct. 15, 1966, 80 Stat. 948.
- (3) Deputy Administrator of General Services.
- (4) Associate Administrator of the National Aeronautics and Space Administration.
- (5) Assistant Administrators, Agency for International Development (6).

- (6) Regional Assistant Administrators, Agency for International Development (4).
- (7) Under Secretary of the Air Force.
- (8) Under Secretary of the Army.
- (9) Under Secretary of the Navy.
- (10) Deputy Under Secretaries of State (2).
- (11) Assistant Secretaries of Agriculture (3).
- (12) Assistant Secretaries of Commerce (5).
- (13) Assistant Secretaries of Defense (7).
- (14) Assistant Secretaries of the Air Force (4).
- (15) Assistant Secretaries of the Army (4).
- (16) Assistant Secretaries of the Navy (4).
- (17) Assistant Secretaries of Health, Education, and Welfare (5).
- (18) Assistant Secretaries of the Interior (5).
- (19) Assistant Attorneys General (9).
- (20) Assistant Secretaries of Labor (4).
- (21) Assistant Postmasters General (6).
- (22) Assistant Secretaries of State (11).
- (23) Assistant Secretaries of the Treasury (4).
- (24) Chairman of the United States Tariff Commission.
- (25)-(28) Repealed. Pub.L. 90-83, § 1(15)(E), Sept. 11, 1967, 81 Stat. 198.
- (29) Director of Civil Defense, Department of the Army.
- (30) Repealed. Pub.L. 90-83, § 1(15)(E), Sept. 11, 1967, 81 Stat. 198.
- (31) Deputy Chief Medical Director in the Department of Medicine and Surgery, Veterans' Administration.
- (32) Deputy Director of the Office of Emergency Planning.
- (33) Deputy Director of the Office of Science and Technology.
- (34) Deputy Director of the Peace Corps.
- (35) Deputy Director of the United States Arms Control and Disarmament Agency.
- (36) Deputy Director of the United States Information Agency.
- (37) Assistant Directors of the Bureau of the Budget (3).
- (38) General Counsel of the Department of Agriculture.
- (39) General Counsel of the Department of Commerce.
- (40) General Counsel of the Department of Defense.
- (41) General Counsel of the Department of Health, Education, and Welfare.
- (42) Solicitor of the Department of the Interior.
- (43) Solicitor of the Department of Labor.
- (44) General Counsel of the National Labor Relations Board.
- (45) General Counsel of the Post Office Department.
- (46) Counselor of the Department of State.
- (47) Legal Adviser of the Department of State.
- (48) General Counsel of the Department of the Treasury.
- (49) First Vice President of the Export-Import Bank of Washington.
- (50) General Manager of the Atomic Energy Commission.
- (51) Governor of the Farm Credit Administration.
- (52) Inspector General, Foreign Assistance.
- (53) Deputy Inspector General, Foreign Assistance.

- (54) Members, Civil Aeronautics Board.
- (55) Members, Council of Economic Advisers.
- (56) Members, Board of Directors of the Export-Import Bank of Washington.
- (57) Members, Federal Communications Commission.
- (58) Member, Board of Directors of the Federal Deposit Insurance Corporation.
- (59) Members, Federal Home Loan Bank Board.
- (60) Members, Federal Power Commission.
- (61) Members, Federal Trade Commission.
- (62) Members, Interstate Commerce Commission.
- (63) Members, National Labor Relations Board.
- (64) Members, Securities and Exchange Commission.
- (65) Members, Board of Directors of the Tennessee Valley Authority.
- (66) Members, United States Civil Service Commission.
- (67) Members, Federal Maritime Commission.
- (68) Members, National Mediation Board.
- (69) Members, Railroad Retirement Board.
- (70) Director of Selective Service.
- (71) Associate Director of the Federal Bureau of Investigation, Department of Justice.
- (72) Chairman, Equal Employment Opportunity Commission.
- (73) Chief of Protocol, Department of State.
- (74) Director, Bureau of Intelligence and Research, Department of State.
- (75) Director, Community Relations Service.
- (76) United States Attorney for the District of Columbia.
- (77) United States Attorney for the Southern District of New York.
- (78) Members, National Transportation Safety Board.
- (79) General Counsel, Department of Transportation.
- (80) Deputy Administrator, Federal Aviation Administration.
- (81) Assistant Secretaries of Transportation (4).
- (82) Director of Public Roads.
- (83) Administrator of the St. Lawrence Seaway Development Corporation.
- (84) Assistant Secretary for Science, Smithsonian Institution.
- (85) Assistant Secretary for History and Art, Smithsonian Institution.
- (86) Deputy Administrator of the Small Business Administration.
- (87) Assistant Secretaries of Housing and Urban Development (6).
- (88) General Counsel of the Department of Housing and Urban Development.
- (89) Commissioner of Interama.
- (90) Administrator of Law Enforcement Assistance.
- (91) Federal Insurance Administrator, Department of Housing and Urban Development.
- (92) *Members, Council on Environmental Quality.*

