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PRIMARY MATERIALS

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Manufactured in the United States of America

To Robert Baum and David Levine, former  
students of mine who began early in their lives to devote  
themselves to and educate themselves in a clean  
environment, and who continue this development in their  
adult professional lives.



## **NATIONAL ENVIRONMENTAL POLICY ACT OF 1969**

## **SOURCE NOTES**

### **Legislative History of the Act**

#### **The Statute**

83 *Statutes at Large* 852; 42 *U.S.C.A.* #4321 *et seq.*

**National Environmental Policy: Hearing Before the Committee on Interior and Insular Affairs, U.S. Senate, 91st Cong., 1st Sess., (1969).**

**Report of the Senate Committee on Interior and Insular Affairs, Senate Report No. 91-296, 91st Cong., 1st Sess., (1969).**

#### **The Congressional Debates, 91st Cong., 1st Sess., (1969)**

3698-3713; 19008-19013; 26569-26591; 29046-29089; 39701-39704;  
40415-40427; 40923-40928

#### **Constitutionality of the Act**

**Southern Terminal Corp. v. Environmental Protection Agency**

504 *Fed. Rep.*, 2d 646 (1974)

## TABLE OF CONTENTS

INTRODUCTION TO THE SERIES .....	vi
THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969	
Source Notes .....	viii
Legislative History of the Act .....	1
The Statute .....	3
Hearing Before the Committee on Interior and Insular Affairs, U.S. Senate .....	9
Report of the Senate Committee on Interior and Insular Affairs .....	247
The Congressional Debates, 1969 .....	281
Note on Constitutionality of Act .....	393
Southern Terminal Corp. v. Environmental Protection Agency .....	395

## NOTE ON THE LEGISLATIVE HISTORY OF THE NATIONAL ENVIRONMENTAL POLICY ACT

During the 1960's there were three unsuccessful efforts to establish a national environmental program resembling the present Act. Bills were proposed in the 86th Congress, 2d Session (1960), the 89th Congress, 2d Session (1966), and in the 90th Congress, 2d Session (1968). Senator Henry Jackson, Chairman of the Interior and Insular Affairs Committee, introduced a bill (S. 1075), which would create a Council on Environmental Quality. This bill did not, however, mention either a national environmental policy nor "action-forcing" provisions such as environmental impact statements. One day earlier, Congressman John S. Dingel had submitted an amendment to the Fish and Wildlife Coordination Act (H.R. 6750) containing a brief policy statement and Council of Environmental Quality provisions. These became the framework for the National Environmental Policy Act.

In addition to a statement of policy, the requirement for environmental impact was added in Senate hearings. The bill passed the Senate unanimously and without debate on July 10, 1969. Congressman Dingel's bill, which was reported out of committee practically unchanged, passed overwhelmingly after being amended on the floor to apply to all environmental impacts rather than to fish and wildlife only.

In conference the language in Senator Jackson's version which granted each person a fundamental and inalienable right to a healthful environment was deleted in favor of the less forceful recognition that "each person should enjoy a healthful environment." Senate conferees insisted on an addition to assure that air and water standards established in prior legislation would not be affected. The demand that the environmental imperatives (action-forcing provisions) be complied with "to the fullest extent possible" was an apparent compromise between Senator Jackson's insistence that federal agencies be spurred beyond mere ordinary conformity and Congressman Wayne Aspinall's contrary view that Agency mandates be unchanged. The Senate agreed to the conference report on December 20, 1969, and the House followed three days later. The President, Richard M. Nixon, signed the National Environmental Policy Act into law on January 1, 1970.





Public Law 91-190

January 1, 1970  
[S. 1075]

## AN ACT

To establish a national policy for the environment, to provide for the establishment of a Council on Environmental Quality, and for other purposes.

National Environmental  
Policy Act of  
1969.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "National Environmental Policy Act of 1969".

## PURPOSE

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

## TITLE I

## DECLARATION OF NATIONAL ENVIRONMENTAL POLICY

Policies and  
goals.

SEC. 101. (a) The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further 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, and other concerned public and private 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) In order to carry out the policy set forth in this Act, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

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

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

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

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

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

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

(c) The Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

SEC. 102. The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the Federal Government shall—

Administration.

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

(B) identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by title II of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

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

- (i) the environmental impact of the proposed action,
- (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,
- (iii) alternatives to the proposed action,
- (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and
- (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5, United States Code, and shall accompany the proposal through the existing agency review processes;

Copies of statements, etc.; availability.

81 Stat. 54.

(D) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

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

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

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

(H) assist the Council on Environmental Quality established by title II of this Act.

Policy review.

SEC. 103. All agencies of the Federal Government shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of this Act and shall propose to the President not later than July 1, 1971, such measures as may be necessary to bring their authority and policies into conformity with the intent, purposes, and procedures set forth in this Act.

SEC. 104. Nothing in Section 102 or 103 shall in any way affect the specific statutory obligations of any Federal agency (1) to comply with criteria or standards of environmental quality, (2) to coordinate or consult with any other Federal or State agency, or (3) to act, or refrain from acting contingent upon the recommendations or certification of any other Federal or State agency.

SEC. 105. The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies.

## TITLE II

### COUNCIL ON ENVIRONMENTAL QUALITY

Report to Congress.

SEC. 201. The President shall transmit to the Congress annually beginning July 1, 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; (2) current and foreseeable trends in the quality, management and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation; (3) the adequacy of available natural resources for fulfilling human and economic requirements of the Nation in the light of expected population pressures; (4) a review of the programs and activities (including regulatory activities) of the Federal Government, the State and local governments, and nongovernmental entities or individuals, with particular reference to their effect on the environment and on the conservation, development and utilization of natural resources; and (5) a program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation.

Council on Environmental Quality.

SEC. 202. There is created in the Executive Office of the President a Council on Environmental Quality (hereinafter referred to as the "Council"). The Council shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. The President shall designate one of the members of the Council to serve as Chairman. Each member shall be a person who, as a result of his training, experience, and attainments, is exceptionally well qualified to analyze and interpret environmental trends and information of all kinds; to appraise programs and activities of the Federal Government in the light of the policy set forth in title I of this Act; to be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of the Nation; and to formulate and recommend national policies to promote the improvement of the quality of the environment.

SEC. 203. 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 Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

80 Stat. 416.

Duties and functions.

SEC. 204. It shall be the duty and function of the Council—

(1) to assist and advise the President in the preparation of the Environmental Quality Report required by section 201;

(2) to gather timely and authoritative information concerning the conditions and trends in the quality of the environment 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 title I of this Act, and to compile and submit to the President studies relating to such conditions and trends;

(3) to review and appraise the various programs and activities of the Federal Government in the light of the policy set forth in title I of this Act 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;

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

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

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

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

Ref. to President.

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

SEC. 205. In exercising its powers, functions, and duties under this Act, the Council shall—

(1) consult with the Citizens' Advisory Committee on Environmental Quality established by Executive Order numbered 11472, dated May 29, 1969, and with such representatives of science, industry, agriculture, labor, conservation organizations, State and local governments and other groups, as it deems advisable; and

16 USC 17k note.

(2) utilize, to the fullest extent possible, 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, thus assuring that the Council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by established agencies.

Tenure and  
compensation.

Post, p. 864.

Appropriations.

SEC. 206. Members of the Council shall serve full time and the Chairman of the Council shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Council shall be compensated at the rate provided for Level IV or the Executive Schedule Pay Rates (5 U.S.C. 5315).

SEC. 207. There are authorized to be appropriated to carry out the provisions of this Act not to exceed \$300,000 for fiscal year 1970, \$700,000 for fiscal year 1971, and \$1,000,000 for each fiscal year thereafter.

Approved January 1, 1970.



HEARING  
BEFORE THE  
COMMITTEE ON  
INTERIOR AND INSULAR AFFAIRS  
UNITED STATES SENATE  
NINETY-FIRST CONGRESS  
FIRST SESSION  
ON  
S. 1075, S. 237, and S. 1752

BILLS TO AUTHORIZE THE SECRETARY OF THE INTERIOR  
TO CONDUCT INVESTIGATIONS, STUDIES, SURVEYS, AND  
RESEARCH RELATING TO THE NATION'S ECOLOGICAL  
SYSTEMS, NATURAL RESOURCES, AND ENVIRONMENTAL  
QUALITY, AND TO ESTABLISH A COUNCIL ON ENVIRON-  
MENTAL QUALITY

APRIL 16, 1969



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## CONTENTS

S. 1075	Departmental reports:
	Agriculture
	Budget
	Health, Education, and Welfare
	Interior
	National Science Foundation
	State
S. 1752	Departmental reports:
	Agriculture
	National Science Foundation
	State
S. 237	Department of Agriculture

## STATEMENTS

Allott, Hon. Gordon, a U.S. Senator from the State of Colorado
Bennett, Hon. Charles E., a U.S. Representative in Congress from the State of Florida
Biemiller Andrew J. AFL-CIO
Braman, Hon. J. D., Assistant Secretary for Urban Systems and Environment, Department of Transportation
Caldwell, Lynton K., professor of government, University of Indiana
Clapper, Louis S., director of conservation, National Wildlife Federation
Clusen, Mrs. Donald E., second vice president, League of Women Voters
Corrado, Rev. John, Davies Memorial Unitarian Church, Camp Springs, Md.
Daddario, Hon. Emilio Q., a U.S. Representative in Congress from the State of Connecticut
DuBridge, Dr. Lee A., President's Science Adviser
Hickel, Hon. Walter J., Secretary of the Interior, accompanied by Russell Train, Under Secretary of the Interior
Jackson, Hon. Henry M., a U.S. Senator from the State of Washington
Kennedy, Hon. Edward M., a U.S. Senator from the State of Massachusetts
Ladd, Charles M., Durham, N.C., chairman, Committee on Natural Environment
McCloskey, Michael, representing the Sierra Club
Nelson, Hon. Gaylord, a U.S. Senator from the State of Wisconsin
Reuss, Hon. Henry S., a U.S. Representative in Congress from the State of Wisconsin
Smith, Anthony Wayne, president and general counsel, National Parks Association
Tribus, Myron, assistant secretary of Commerce for Science and Technology
Tydings, Hon. Joseph D., a U.S. Senator from the State of Maryland
Udall, Hon. Stewart, former Secretary of the Interior
Wheeler, Edwin M., president, National Plant Food Institute

## COMMUNICATIONS

Douglas, Philip A., executive secretary, Sport Fishing Institute: Letter to Hon. Henry M. Jackson, chairman, Interior and Insular Affairs Committee, dated March 14, 1969
Ilitz, Hugh H., professor of botany; Letter to Hon. Henry M. Jackson, chairman, Interior and Insular Affairs Committee, dated April 23, 1969