

The original documents are located in Box 27, folder “7/3/75 HR6054 Authorization of Appropriations for the Office of Environmental Quality” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library.

Copyright Notice

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald R. Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

Exact duplicates within this folder were not digitized.

APPROVED
JUL 3 - 1975

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

JUN 27 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 6054 - Authorization of appropriations
for the Office of Environmental Quality
Sponsor - Rep. Sullivan (D) Missouri, and two others

*Posted 7/5
to archive 7/7*

Last Day for Action

July 4, 1975 - Friday

Purpose

Authorizes the appropriation of \$2 million in fiscal year 1976 and \$500,000 in the transition period ending September 30, 1976, for the Office of Environmental Quality; and amends the National Environmental Policy Act in three minor respects.

Agency Recommendations

Office of Management and Budget	Approval
Council on Environmental Quality	Approval
Civil Service Commission	Approval
Department of State	No objection

Discussion

The Council on Environmental Quality draws its authority and funding from two laws: the National Environmental Policy Act of 1969, which created the Council and authorized continuing annual appropriations of \$1 million; and the Environmental Quality Improvement Act, which established the Office of Environmental Quality to support the Council.

The latter Act authorizes appropriations through fiscal year 1975. The enrolled bill would authorize appropriations for the Office of \$2 million for fiscal year 1976, the same amount that was authorized for fiscal year 1975. It would also authorize appropriations of

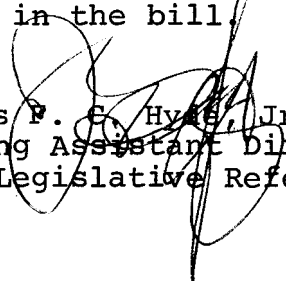


\$500,000 for the transition period July 1 - September 30, 1976.

In addition, H.R. 6054 would authorize the Council to:

- accept volunteer and uncompensated services, such as the services of college interns;
- accept reimbursement of travel expenses offered by private nonprofit organizations and by Federal, State or local governmental organizations in connection with conferences and meetings; and,
- make expenditures in support of its international activities and international exchange programs.

The authorization for appropriations contained in the enrolled bill is based on an Administration proposal to extend authorization indefinitely at \$2 million annually. The committees limited the extension to fiscal year 1976 and the transition period, and added the three minor provisions described above. While we would have preferred the indefinite extension originally proposed, we see no reason to object to the changes made in the bill.


James P. E. Hyatt, Jr.
Acting Assistant Director
for Legislative Reference

Enclosures

APPROVED
JUL 3 - 1975

8/7/3/75

THE WHITE HOUSE
WASHINGTON
June 30, 1975

ACTION
Last Day: July 4

MEMORANDUM FOR THE PRESIDENT
FROM: JIM CANNON *Jane*
SUBJECT: Enrolled Bill H.R. 6054 - Authorization
of Appropriations for the Office of
Environmental Quality

Attached for your consideration is H.R. 6054, sponsored by Representative Sullivan and two others, which:

- Authorizes the appropriation of \$2 million in FY 76 and \$500,000 in the transition period July 1, through September 30, 1976, for the Office of Environmental Quality;
- Authorizes the Council to accept volunteer and uncompensated services.
- Authorizes the Council to accept reimbursements for travel expenses;
- Authorizes the Council to make expenditures in support of its international activities and international exchange programs.

Additional information is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Phil Buchen, NSC, and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign H.R. 6054 at Tab B.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

JUN 27 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 6054 - Authorization of appropriations for the Office of Environmental Quality
Sponsor - Rep. Sullivan (D) Missouri, and two others

Last Day for Action

July 4, 1975 - Friday

Purpose

Authorizes the appropriation of \$2 million in fiscal year 1976 and \$500,000 in the transition period ending September 30, 1976, for the Office of Environmental Quality; and amends the National Environmental Policy Act in three minor respects.

Agency Recommendations

Office of Management and Budget	Approval
Council on Environmental Quality	Approval
Civil Service Commission	Approval
Department of State	No objection

Discussion

The Council on Environmental Quality draws its authority and funding from two laws: the National Environmental Policy Act of 1969, which created the Council and authorized continuing annual appropriations of \$1 million; and the Environmental Quality Improvement Act, which established the Office of Environmental Quality to support the Council.

The latter Act authorizes appropriations through fiscal year 1975. The enrolled bill would authorize appropriations for the Office of \$2 million for fiscal year 1976, the same amount that was authorized for fiscal year 1975. It would also authorize appropriations of

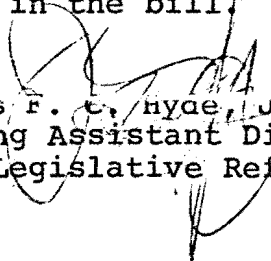
6-27-75
6:00 p.m.

\$500,000 for the transition period July 1 - September 30, 1976.

In addition, H.R. 6054 would authorize the Council to:

- accept volunteer and uncompensated services, such as the services of college interns;
- accept reimbursement of travel expenses offered by private nonprofit organizations and by Federal, State or local governmental organizations in connection with conferences and meetings; and,
- make expenditures in support of its international activities and international exchange programs.

The authorization for appropriations contained in the enrolled bill is based on an Administration proposal to extend authorization indefinitely at \$2 million annually. The committees limited the extension to fiscal year 1976 and the transition period, and added the three minor provisions described above. While we would have preferred the indefinite extension originally proposed, we see no reason to object to the changes made in the bill.


James F. C. Hyde, Jr.
Acting Assistant Director
for Legislative Reference

Enclosures

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: June 30, 1975

Time: 530

FOR ACTION: NSC/S

Elliott oh

cc (for information):

FROM THE STAFF SECRETARY

DUE: Date: July 1

Time: 100pm

SUBJECT:

H.R. 6054 - Authorization of appropriations for Office of Environmental Quality

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

I circulated this today but neglected to send it to NSC

Please return to Judy Johnston, Ground Floor West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: June 27, 1975

Time: 700pm

FOR ACTION: Rod Hullin *oh*
Dick Parsons *h*
Max Friedersdorf *oh*
Bill Seidman *h*
Kenn Lazarus *h*

cc (for information): Jim Cavanaugh
Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date: June 30

Time: noon

SUBJECT:

H.R. 6054 - Authorization of appropriations for Office of Environmental Quality.

ACTION REQUESTED:

- | | |
|---|---|
| <input type="checkbox"/> For Necessary Action | <input type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief | <input type="checkbox"/> Draft Reply |
| <input type="checkbox"/> For Your Comments | <input type="checkbox"/> Draft Remarks |

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
722 JACKSON PLACE, N. W.
WASHINGTON, D. C. 20006

June 23, 1975

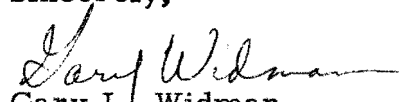
Dear Mr. Frey:

Re: Enrolled Bill H. R. 6054

This bill, a continued authorization for this office, was passed in a form which was previously approved by the Administration.

The Council recommends that the bill be signed by the President.

Sincerely,


Gary L. Widman
General Counsel

Mr. James M. Frey
Assistant Director
for Legislative Reference
Office of Management and Budget
Washington, D. C. 20503





UNITED STATES CIVIL SERVICE COMMISSION

WASHINGTON, D.C. 20415

CHAIRMAN

June 25, 1975

Honorable James T. Lynn
Director
Office of Management and Budget

Attention: Assistant Director for
Legislative Reference

Dear Mr. Lynn:

This is in response to your request for the views and recommendations of the Civil Service Commission on enrolled bill H.R. 6054, a bill "To authorize further appropriations for the Office of Environmental Quality, and for other purposes."

The enrolled bill would authorize appropriations for the Office of Environmental Quality and the Council on Environmental Quality, and would allow the Council to accept voluntary services, to accept reimbursements for travel expenses, and to make expenditures in support of its international activities.

The only provision of interest to the Commission is the one allowing the Council to accept voluntary services. A number of Federal agencies have a specific statutory authority which supersedes the general prohibition of 31 U.S.C. 665(b) against the acceptance of voluntary services, and we have no objection to the provision of such an authority for the Council on Environmental Quality. Therefore, with respect to this provision, we recommend that the President sign enrolled bill H.R. 6054.

By direction of the Commission:

Sincerely yours,

Robert Hampton
Chairman



Ninety-fourth Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Tuesday, the fourteenth day of January,
one thousand nine hundred and seventy-five*

An Act

To authorize further appropriations for the Office of Environmental Quality, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 205 of the Environmental Quality Improvement Act of 1970 (42 U.S.C. 4374) is amended to read as follows:

"SEC. 205. There are hereby authorized to be appropriated for the operations of the Office of Environmental Quality and the Council on Environmental Quality \$2,000,000 for the fiscal year ending June 30, 1976, and not to exceed \$500,000 for the transition period (July 1, 1976 to September 30, 1976). This authorization is in addition to those contained in Public Law 91-190."

SEC. 2. Section 203 of the National Environmental Policy Act of 1969 (42 U.S.C. 4343) is amended by inserting "(a)" immediately before "The Council" and by adding at the end thereof the following new subsection:

"(b) Notwithstanding section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)), the Council may accept and employ voluntary and uncompensated services in furtherance of the purposes of the Council."

SEC. 3. Title II of the National Environmental Policy Act of 1969 (42 U.S.C. 4341 et seq.) is amended by redesignating section 207 as section 209, and by inserting immediately after section 206 the following new sections:

"ACCEPTANCE OF TRAVEL REIMBURSEMENT

"SEC. 207. The Council may accept reimbursements from any private nonprofit organization or from any department, agency, or instrumentality of the Federal Government, any State, or local government, for the reasonable travel expenses incurred by an officer or employee of the Council in connection with his attendance at any conference, seminar, or similar meeting conducted for the benefit of the Council.

"EXPENDITURES FOR INTERNATIONAL TRAVEL

"SEC. 208. The Council may make expenditures in support of its international activities, including expenditures for: (1) international travel; (2) activities in implementation of international agreements; and (3) the support of international exchange programs in the United States and in foreign countries."

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*



DEPARTMENT OF STATE

Washington, D.C. 20520

JUN 25 1975

Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Lynn:

I refer to the request of June 23 by Mr. Frey that the Department of State comment on Enrolled Bill H. R. 6054 which would make available additional funds to the Council on Environmental Quality during FY 1976.

The Department of State has no objection to the provisions of this Bill if it is understood that any funds expended for international travel are subject to the policy guidance of the Department of State.

Sincerely,

Robert J. McCloskey
Robert J. McCloskey
Assistant Secretary
for Congressional Relations

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: June 27, 1975

Time: 700pm

FOR ACTION:

Tod Hullin
Dick Parsons
Max Friedersdorf
Bill Seidman
Ken Lazarus

cc (for information):

Jim Cavanaugh
Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date: June 30

Time: noon

SUBJECT:

H.R. 6054 - Authorization of appropriations for Office of Environmental Quality.

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

no objection - Ken Lazarus

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James H. Cavanaugh
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: June 27, 1975

Time: 700pm

FOR ACTION:

Tod Hullin
Dick Parsons
Max Friedersdorf
Bill Seidman
Ken Lazarus

cc (for information):

Jim Cavanaugh
Jack Marsh

M.G.

FROM THE STAFF SECRETARY

DUE: Date: June 30

Time: noon

SUBJECT:

H.R. 6054 - Authorization of appropriations for Office of Environmental Quality.

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

O.K. - mact.

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James H. Cavanaugh
For the President

JUN 27 RECD

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: June 27, 1975

Time: 700pm

FOR ACTION: Tod Hullin
Dick Parsons
Max Friedersdorf
Bill Seidman
Ken Lazarus

cc (for information): Jim Cavanaugh
Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date: June 30

Time: noon

SUBJECT:

H.R. 6054 - Authorization of appropriations for Office of Environmental Quality.

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

*Approved:
JWS*



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately. James H. Cavanaugh For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: June 27, 1975

Time: 700pm

FOR ACTION: Tod Hullin
Dick Parsons
Max Friedersdorf
Bill Seidman
Ken Lazarus
FROM THE STAFF SECRETARY

cc (for information): Jim Cavanaugh
Jack Marsh

DUE: Date: June 30

Time: noon

SUBJECT:

H.R. 6054 - Authorization of appropriations for Office of Environmental Quality.

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

No objection. RDP

Please return to Judy Johnston, Ground Floor West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James H. Cavanaugh
For the President

OFFICE OF ENVIRONMENTAL QUALITY
AUTHORIZATION

MAY 19, 1975.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mrs. SULLIVAN, from the Committee on Merchant Marine and Fisheries, submitted the following

REPORT

[To accompany H.R. 6054]

The Committee on Merchant Marine and Fisheries, to whom was referred the bill (H.R. 6054) to authorize further appropriations for the Office of 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:

Strike all after the enacting clause and insert in lieu thereof the following:

That section 205 of the Environmental Quality Improvement Act of 1970 (42 U.S.C. 4374) is amended to read as follows:

"Sec. 205. There are hereby authorized to be appropriated for the operations of the Office of Environmental Quality and the Council on Environmental Quality \$2,000,000 for the fiscal year ending June 30, 1976, and not to exceed \$500,000 for the transition period (July 1, 1976 to September 30, 1976). This authorization is in addition to those contained in Public Law 91-190."

SEC. 2. Section 203 of the National Environmental Policy Act of 1969 (42 U.S.C. 4343) is amended by inserting "(a)" immediately before "The Council" and by adding at the end thereof the following new subsection:

"(b) Notwithstanding section 3679(b) of the Revised Statutes (31 U.S.C. 665 (b)), the Council may accept and employ voluntary and uncompensated services in furtherance of the purposes of the Council."

SEC. 3. Title II of the National Environmental Policy Act of 1969 (42 U.S.C. 4341 et seq.) is amended by redesignating section 207 as section 209, and by inserting immediately after section 206 the following new sections:

"ACCEPTANCE OF TRAVEL REIMBURSEMENT"

"Sec. 207. The Council may accept reimbursements from any private nonprofit organization or from any department, agency, or instrumentality of the Federal Government, any State, or local government, for the reasonable travel expenses incurred by an officer or employee of the Council in connection with his attendance at any conference, seminar, or similar meeting conducted for the benefit of the Council."



"EXPENDITURES FOR INTERNATIONAL TRAVEL"

"SEC. 208. The Council may make expenditures in support of its international activities, including expenditures for: (1) international travel; (2) activities in implementation of international agreements; and (3) the support of international exchange programs in the United States and in foreign countries."

PURPOSE OF THE LEGISLATION

The purpose of the legislation is to increase the authorizations available to the Council on Environmental Quality for the fiscal year ending June 30, 1976, and the transition period of July 1, 1976 to September 30, 1976. In addition, the legislation authorizes the Council to accept certain reimbursements for domestic travel and international travel in certain instances and to accept volunteer and uncompensated services in furtherance of the Council's work.

LEGISLATIVE BACKGROUND

The Council on Environmental Quality (CEQ) was created by the National Environmental Policy Act (NEPA) of 1969 (Public Law 91-190). That Act provided funding for the Council at a constant level of \$1 million for the fiscal years 1972 and thereafter; that authorization is still in effect. Shortly after NEPA was enacted, the Congress also adopted the Environmental Quality Improvement Act of 1970 (Public Law 91-224). That Act created an Office of Environmental Quality, also under the general direction of the Chairman of CEQ. The budget authorization for that office has been utilized by the Council for the carrying out of its programs. Although the original appropriation was on a sliding scale ending with fiscal year 1973, further appropriations were authorized in the 93rd Congress through fiscal year 1975.

Accordingly, on April 7, 1975, the President proposed legislation to extend the authorization of funds available to the Office on Environmental Quality, pursuant to the Environmental Quality Improvement Act. The proposed legislation would authorize for appropriation "\$2,000,000 for the fiscal year ending June 30, 1976, and for each fiscal year thereafter." On April 16, 1975, Mrs. Sullivan introduced the proposed legislation in the form of H.R. 6054.

Hearings were held on these bills on April 22, 1975.

BACKGROUND AND NEED FOR THE LEGISLATION

The Council on Environmental Quality acts as the principal advisor to the President in matters relating to the quality of the American environment, and on Federal agency programs as these may affect, adversely or otherwise, that environment. A small professional staff assists the Council in its performance of the duties assigned to it by the two Acts from which it draws its authority.

The Council has many duties: these include the preparation of an annual report to the President and to the public, detailing its activities during the past year, and the current state of the environment.

The Council is also responsible for the publication of guidelines, as a means of instructing other agencies as to the methods and procedures that should be followed in the preparation of environmental impact statements pursuant to section 102(2)(C) of NEPA. On the whole, the Council has performed its duties in a creditable and useful fashion, and has provided information on the consequences of many planned Federal programs and projects; that information has, in turn, often resulted in beneficial changes in the ways those projects are to be executed.

For the coming fiscal year, the President has requested the sum of \$2.75 million for the Council. Of this sum, \$1 million would be authorized by the National Environmental Policy Act of 1969, and the balance of \$1.75 million by the Environmental Quality Improvement Act of 1970.

Moreover, during the course of hearings on this authorization request, several problems were identified relating to the cut back in CEQ staff from 50 to 44 permanent positions. Thus, the Committee discussed and adopted several provisions which would facilitate the Council's ability to carry out its program responsibilities.

ACCEPTANCE OF VOLUNTEER SERVICES

The first provision authorizes the Council to accept volunteer and uncompensated services in furtherance of the purposes of the Council. The Council witnesses testified that under existing law they were not authorized to accept volunteer assistance in their programs. This provision would permit the Council to take advantage of regular college programs, for example, that supply interns to an agency for working experience and course credits. Although the Council has an existing intern program, they are required to compensate the interns at a regular government salary level. At any one time, the Council may have four or five such interns working for the Council.

The Council intends to use this provision primarily for college interns. Under this new provision, interns would be considered government employees without compensation.

TRAVEL REIMBURSEMENT

The second provision authorizes the Council to accept reimbursements from any private nonprofit organization or from any department, agency, or instrumentality of the Federal Government, any State, or local government, for the reasonable travel expenses incurred by an officer or employee of the Council in connection with attendance at any conference, seminar, or similar meeting conducted for the benefit of the Council. Members of the Council and staff are often asked to give a speech or attend a conference or seminar concerning matters of importance to the Council. On account of the Council's limited travel budget, many of these invitations must be rejected even though the reimbursement for travel expenses is offered.

A similar authorization has been granted to a number of other agencies to allow them to take advantage of these offers for travel

reimbursement. However, by including this provision in the legislation the Committee would like to make it clear that this provision does not waive any of the rules on conflict of interest or rules of reasonableness in its implementation and utilization.

For purposes of this section, the term "travel reimbursement" is defined to include transportation costs and a reasonable per diem allowance as necessary and appropriate, but not to exceed such amount as would normally be allowed under government rates. A record of any such travel reimbursements should be maintained by the Council for a reasonable time period.

EXPENDITURES FOR INTERNATIONAL TRAVEL

Finally, the last section would authorize the Council to make expenditures in support of its international activities including expenditures for travel, implementation of international agreements, and support of international exchange programs in the United States and in foreign countries.

The need for this provision arises on account of the disagreement over the legality of expending funds on "receiving side" arrangements in the absence of specific authorization.

The implementation of international exchange agreements requires determinations as to which country will pay the expenses (except salary and international travel) of the delegation—whether it will be the country being visited (receiving side) or the country of the delegation (sending side). Traditionally, exchanges involve a "sending side pays" arrangement. While the Council would not need new authorization to send its staff under this kind of arrangement, the proposed language is needed, however, to enable Council personnel to go on a "receiving side pays" exchange whenever that is appropriate. Some countries request such arrangements and the Council seeks only to be authorized to engage in exchanges where "receiving side pays" arrangements are suggested and then only when it is in the Council's best interest to do so. The fact that such authority is given does not mean that it would automatically be used in any particular case. It is not contemplated that the authority would be used to pay for visits by foreign nationals without similar payment for visits by CEQ personnel in the exchange country. Payments made under this language include only payment of expenses within the country visited and not the costs of travel to and from.

The adopted language would not authorize CEQ to *enter* into such agreements for the United States. International agreements may be entered in only by the President who acts through the State Department. However, the State Department has traditionally declined to pay expenses of those Federal personnel who implement the exchange agreements, preferring to ask the agencies involved to pay travel expenses. The language adopted was suggested by the State Department as appropriate for CEQ's needs.

This provision should resolve two issues: (1) it confirms that the Council is authorized to expend funds on international travel, in

support of its international responsibilities (set out in NEPA and E.O. 11514) as it has done in practice in all years since the Council was formed. (2) it confirms that the Council may expend funds for personnel exchanged under agreements with either "receiving side pays" or "sending side pays" provisions.

REPORTS

Members of the Committee expressed a concern over the implementation and utilization of these new provisions. Therefore, the Committee has requested the Council to provide quarterly reports to the Committee outlining the extent to which these new provisions are utilized including appropriate facts and background material. These reports will provide some feedback to the Committee and be helpful in its oversight responsibility.

The Committee on Merchant Marine and Fisheries has consulted with the Committee on Science and Technology concerning their interest in any environmental research and development money contained in this authorization for the Office of Environmental Quality pursuant to the Environmental Quality Improvement Act of 1970 (Public Law 91-224).

As a result of this consultation, the Committee on Science and Technology felt that the small amount of contract study money under this one year authorization was not sufficient in this case to warrant a separate referral for their consideration. Further, both Committees agreed to maintain a close and continuing liaison in such matters in an effort to coordinate their common interests.

ANNUAL AUTHORIZATION

H.R. 6054 as introduced provided for an open-ended authorization in accordance with the Administration's proposal. The Committee amended the bill to provide for an annual authorization for fiscal year 1976. In addition, it authorized an amount equal to one-quarter of the fiscal year authorization to cover the transition period of July 1, 1976 to September 30, 1976 pursuant to the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344).

COST OF THE LEGISLATION

Pursuant to Clause 7 of Rule XIII of the Rules of the House of Representatives, the Committee estimates the cost of legislation to be \$2 million for fiscal year 1976 and \$500,000 for the transition period from July 1, 1976 to September 30, 1976. The Committee has concluded that these costs are reasonable and that the costs incurred in carrying out this legislation will be consistent with those estimates.

COMPLIANCE WITH HOUSE RULE XI

(1) With respect to the requirements of Clause 2(1)(3)(A) of Rule XI of the Rules of the House of Representatives, no oversight hearings

on the subject matter of this legislation was held beyond the one day of hearings held by the Subcommittee on Fisheries and Wildlife Conservation and the Environment on this authorization request.

(2) With respect to the requirements of clauses 2(1) (3) (B) and (C), of Rule XI of the Rules, the bill does not provide new budget authority or increased tax expenditures, and it has received no estimate and comparison prepared by the Director of the Congressional Budget Office. Consequently, no such information is supplied to meet these requirements.

(3) With respect to the requirements of clause 2(1) (3) (D), of Rule XI of the Rules, the Committee has received no report from the Committee on Government Operations on this subject.

(4) The Committee reports that enactment of H.R. 6054 as amended would have no inflationary impact on prices and costs in the operation of the national economy.

DEPARTMENTAL REPORTS

H.R. 6054 was the subject of Executive Communication No. 731 from the Chairman of the Council on Environmental Quality dated March 27, 1975. A copy of the communication follows herewith:

[Executive Communication No. 731]

EXECUTIVE OFFICE OF THE PRESIDENT,
COUNCIL ON ENVIRONMENTAL QUALITY,
Washington, D.C., March 27, 1975.

HON. CARL ALBERT,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: There is transmitted herewith a proposed bill, "To authorize further appropriations for the Office of Environmental Quality, and for other purposes."

One of the purposes of the Environmental Quality Improvement Act of 1970 (P.L. 91-224) is "to authorize an Office of Environmental Quality, which, notwithstanding any other provision of law, shall provide the professional and administrative staff for the Council on Environmental Quality established by Public Law 91-190." Section 205 of the Act authorized appropriations on a sliding scale ending with fiscal year 1973. This was amended by P.L. 93-36 authorizing appropriations through fiscal year 1975. A new authorization beginning with fiscal year 1976, to supplement the standing authorization in P.L. 91-190, is necessary to enable the Council to continue performance of the functions and responsibilities contained in P.L. 91-224 and P.L. 91-190.

The proposed bill would authorize "\$2,000,000 for fiscal year 1976, and for each fiscal year thereafter."

The Council has been advised by the Office of Management and Budget that enactment of the proposed legislation would be consistent with the Administration's objectives.

Sincerely,

RUSSELL W. PETERSON,
Chairman.

A BILL To authorize further appropriations for the Office of Environmental Quality, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 205 of the Environmental Quality Improvement Act of 1970 (42 U.S.C. 4374) is amended to read as follows:

"SEC. 205. There are hereby authorized to be appropriated for the operations of the Office of Environmental Quality and the Council on Environmental Quality \$2,000,000 for the fiscal year ending June 30, 1976, and for each fiscal year thereafter. This authorization is in addition to those contained in Public Law 91-190."

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):

SECTION 205 OF THE ENVIRONMENTAL QUALITY IMPROVEMENT ACT OF 1970, AS AMENDED (42 U.S.C. 4374; 84 STAT. 114)

[SEC. 205. There are hereby authorized to be appropriated for the operations of the Office of Environmental Quality and the Council on Environmental Quality \$1,500,000 for the fiscal year ending June 30, 1974, and \$2,000,000 for the fiscal year ending June 30, 1975. This authorization is in addition to those contained in Public Law 91-190.]

Sec. 205. There are hereby authorized to be appropriated for the operations of the Office of Environmental Quality and the Council on Environmental Quality \$2,000,000 for the fiscal year ending June 30, 1976, and not to exceed \$500,000 for the transition period (July 1, 1976 to September 30, 1976). This authorization is in addition to those contained in Public Law 91-190.

TITLE II OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

(83 Stat. 854; 42 U.S.C. 4341-4347)

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.

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. (a) 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).

(b) *Notwithstanding section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)), the Council may accept and employ voluntary and uncompensated services in furtherance of the purposes of the Council.*

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

(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

(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.

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).

ACCEPTANCE OF TRAVEL REIMBURSEMENT

SEC. 207. The Council may accept reimbursements from any private nonprofit organization or from any department, agency, or instrumentality of the Federal Government, any State, or local government, for the reasonable travel expenses incurred by an officer or employee of the Council in connection with his attendance at any conference, seminar, or similar meeting conducted for the benefit of the Council.

EXPENDITURES FOR INTERNATIONAL TRAVEL

Sec. 208. The Council may make expenditures in support of its international activities, including expenditures for: (1) international travel; (2) activities in implementation of international agreements; and (3) the support of international exchange programs in the United States and in foreign countries.

Sec. [207.] 209. 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.

Calendar No. 205

94TH CONGRESS
1st Session

SENATE

REPORT
No. 94-209

EXTENSION OF AUTHORIZATIONS AVAILABLE TO THE COUNCIL ON ENVIRONMENTAL QUALITY

JUNE 15 (legislative day, JUNE 6), 1975.—Ordered to be printed

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

REPORT

[To accompany H.R. 6054]

The Committee on Interior and Insular Affairs, to which was referred the bill (H.R. 6054) to authorize further appropriations for the Office of Environmental Quality, and for other purposes; having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

H.R. 6054 would extend the authorizations available to the Council on Environmental Quality by amending the Environmental Quality Improvement Act of 1970 to authorize the appropriation of \$2,000,000 in fiscal year 1976 and \$500,000 for the transition period (July 1, 1976, to September 30, 1976). These authorizations are at a level identical to the sum authorized in that Act for this fiscal year. In addition, H.R. 6054 would amend the National Environmental Policy Act of 1969 to add several "housekeeping" provisions to permit the Council on Environmental Quality to accept certain reimbursements for domestic and international travel, and to make use of volunteer and uncompensated services, in furtherance of the Council's work.

LEGISLATIVE BACKGROUND

The Council on Environmental Quality ("CEQ"), was created by the National Environmental Policy Act of 1969 (Public Law 91-190, "NEPA"). NEPA provided CEQ funding at a constant level of \$1 million for fiscal year 1972 and thereafter. Following NEPA's enactment, Congress also adopted the Environmental Quality Improvement



Act (Public Law 91-224, "EQIA") which created the Office of Environmental Quality, also under the direction of the Chairman of the CEQ. Section 205 of the EQIA authorized appropriations on a sliding scale ending with fiscal year 1973. Public Law 93-36 amended the EQIA to extend authorizations through fiscal year 1975. The authorization for this fiscal year is \$2 million.

In order to permit the CEQ to continue performance of its functions and responsibilities under both NEPA and the EQIA under existing budget levels (but reduced positions), the President proposed on April 7, 1975, legislation to amend the EQIA to authorize appropriations of \$2,000,000 for fiscal year 1976 and each fiscal year thereafter.

On May 19, 1975, the House of Representatives passed H.R. 6054, as amended. The amendments were to limit the authorizations to fiscal year 1976 (\$2,000,000) and the transition period (\$500,000), and to insert provisions permitting the CEQ to accept voluntary services and travel reimbursement and to make expenditures in support of its international activities.

EXTENSION OF AUTHORIZATIONS AVAILABLE TO THE COUNCIL ON ENVIRONMENTAL QUALITY

The Council on Environmental Quality acts as the principal advisor to the President in matters relating to the quality of the environment, and on Federal agency programs as these may affect, adversely or otherwise, the environment. A small professional staff assists the CEQ in its performance of the duties assigned to it by the above-mentioned two Acts from which it draws its authority.

The CEQ has many duties: These include the preparation of an annual report to the President and to the public, detailing its activities during the past year and discussing the current state of the environment. The CEQ is also responsible for the publication of guidelines, as a means of instructing other agencies as to the methods and procedures which should be followed in the preparation of environmental impact statements pursuant to section 102(2)(C) of NEPA. On the whole, the CEQ has performed its duties in a creditable and useful fashion, and has provided information on the consequences of many planned Federal programs and projects; that information has, in turn often resulted in beneficial changes in the ways those projects are to be executed.

For fiscal year 1976, the President has requested the sum of \$2.75 million for the CEQ. Of this sum, \$1 million would be authorized by the National Environmental Policy Act of 1969, and the balance of \$1.75 million by the Environmental Quality Improvement Act of 1970.

The latter figure cannot be appropriated without the passage of H.R. 6054. Section 1 of H.R. 6054 would amend the EQIA to authorize appropriations in fiscal year 1976 and the transition period which, when combined with the \$1 million annual authorizations in NEPA, would bring the total authorizations available to the CEQ for those two periods to \$3 million and \$750,000, respectively.

Although the President had requested an extension of the EQIA authorizations for an indefinite period at \$2 million annually, the

House Merchant Marine and Fisheries Committee amended the proposal to limit the authorizations to the next fiscal year and the transition period. As the next fiscal year begins in less than two weeks, in the interest of obtaining final passage of H.R. 6054 prior to the end of this fiscal year, the Committee did not amend H.R. 6054 to provide for a lengthier period of authorizations.

CERTAIN HOUSEKEEPING PROVISIONS

During the course of House Merchant Marine and Fisheries Committee hearings on H.R. 6054, several problems were identified relating to the cut back in the staff of the CEQ from 50 to 44 permanent positions. To facilitate the ability of the CEQ to carry out its program responsibilities under this personnel reduction, that committee adopted the several provisions with which this committee concurs. These provisions are:

1. ACCEPTANCE OF VOLUNTEER SERVICES

The first provision authorizes the CEQ to accept volunteer and uncompensated services in furtherance of the purposes of the Council. The CEQ witnesses at the House Committee hearing testified that under existing law they were not authorized to accept volunteer assistance in their programs. This provision would permit the CEQ to take advantage of regular college programs, for example, which supply interns to an agency for working experience and course credits. Although the CEQ has an existing intern program, they are required to compensate the interns at a regular government salary level. At any one time, the CEQ may have four or five such interns working for it.

The CEQ intends to use this provision primarily for college interns. Under this new provision, interns would be considered government employees without compensation.

2. TRAVEL REIMBURSEMENT

The second provision authorizes the CEQ to accept reimbursements from any private nonprofit organization or from any department, agency, or instrumentality of the Federal Government, any State, or local government, for the reasonable travel expenses incurred by an officer or employee of the CEQ in connection with attendance at any conference, seminar, or similar meeting conducted for the benefit of the CEQ. Members of the CEQ and staff are often asked to give a speech or attend a conference or seminar concerning matters of importance to the CEQ. On account of the Council's limited travel budget, many of these invitations must be rejected even though the reimbursement for travel expenses is offered.

A similar authorization has been granted to a number of other agencies to allow their personnel to take advantage of these offers for travel reimbursement. The Committee would like to make it clear that this provision does not waive any of the rules on conflict of interest or rules of reasonableness in its implementation and utilization.

For purposes of this section, the term "travel reimbursement" is defined to include transportation costs and a reasonable per diem allowance as necessary and appropriate, but not to exceed such amount as would normally be allowed under government rates. A record of

any such travel reimbursements should be maintained by the CEQ for a reasonable time period.

3. EXPENDITURES FOR INTERNATIONAL TRAVEL

Finally, the last section would authorize the CEQ to make expenditures in support of its international activities including expenditures for travel, implementation of international agreements, and support of international exchange programs in the United States and in foreign countries.

The need for this provision arises as a result of the disagreement over the legality of expending funds on "receiving side" arrangements in the absence of specific authorizations.

The implementation of international exchange agreements requires determinations as to which country will pay the expenses (except salary and international travel) of the delegation—whether it will be the country being visited (receiving side) or the country of the delegation (sending side). Traditionally, exchanges involve a "sending side pays" arrangement. While the CEQ would not need new authorization to send its staff under this kind of arrangement, the proposed language is needed to enable CEQ personnel to go on a "receiving side pays" exchange whenever that is appropriate. Some countries request such arrangements and the CEQ seeks only to be authorized to engage in exchanges where "receiving side pays" arrangements are suggested and then only when it is in the CEQ's best interest to do so. The fact that such authority is given does not mean that it would automatically be used in any particular case. It is not contemplated that the authority would be used to pay for visits by foreign nationals without similar payment for visits by CEQ personnel in the exchange country. Payments made under this language include only payment of expenses within the country visited and not the costs of travel to and from.

The adopted language would not authorize the CEQ to enter into such agreements for the United States. International agreements may be entered in only by the President who acts through the State Department. However, the State Department has traditionally declined to pay expenses of those Federal personnel who implement the exchange agreements, preferring to ask the agencies involved to pay travel expenses. The language adopted was suggested by the State Department as appropriate for the CEQ's needs.

This provision should resolve two issues: (1) It confirms that the CEQ is authorized to expend funds on international travel, in support of its international responsibilities (set out in NEPA and E.O. 11514) as it has done in practice in all years since the Council was formed.

(2) It confirms that the CEQ may expend funds for personnel exchanged under agreements with either "receiving side pays" or "sending side pays" provisions.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs, in open markup session on June 17, 1975, by voice vote with a quorum present, unanimously recommended the enactment of H.R. 6054.

TABULATION OF VOTES CAST IN COMMITTEE

Pursuant to subsection (b) of section 133 of the Legislative Reorganization Act of 1946, as amended, the following is a tabulation of votes of the Committee on Interior and Insular Affairs during consideration of H.R. 6054:

During the committee's consideration of H.R. 6054, the committee, a quorum being present, cast a unanimous voice vote to order the bill be reported favorably, without amendment. The vote was cast in open markup session and, because it was previously announced by the committee in accord with the provisions of section 133(b), it is not necessary that it be tabulated in the committee report.

Cost

In accordance with subsection (a) of section 252 of the Legislative Reorganization Act of 1970, the committee estimates the cost of the legislation to be \$2 million for fiscal year 1976 and \$500,000 for the transition period from July 1, 1976, to September 30, 1976. The committee has concluded that these costs are reasonable and that the costs incurred in carrying out this legislation will be consistent with those estimates.

EXECUTIVE COMMUNICATIONS

H.R. 6054 was the subject of Executive Communication No. 731 from the Chairman of the Council on Environmental Quality dated March 27, 1975. A copy of the communication follows herewith:

[Executive Communication No. 731]

EXECUTIVE OFFICE OF THE PRESIDENT,
COUNCIL ON ENVIRONMENTAL QUALITY,
Washington, D.C., March 27, 1975.

HON. CARL ALBERT,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: There is transmitted herewith a proposed bill, "To authorize further appropriations for the Office of Environmental Quality, and for other purposes."

One of the purposes of the Environmental Quality Improvement Act of 1970 (P.L. 91-224) is "to authorize an Office of Environmental Quality, which, notwithstanding any other provision of law, shall provide the professional and administrative staff for the Council on Environmental Quality established by Public Law 91-190." Section 205 of the Act authorized appropriations on a sliding scale ending with fiscal year 1973. This was amended by P.L. 93-36 authorizing appropriations through fiscal year 1975. A new authorization beginning with fiscal year 1976, to supplement the standing authorization in P.L. 91-190, is necessary to enable the Council to continue performance of the functions and responsibilities contained in P.L. 91-224 and P.L. 91-190.

The proposed bill would authorize "\$2,000,000 for fiscal year 1976, and for each fiscal year thereafter."

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

(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

(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.

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 III 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. *The Council may accept reimbursements from any private nonprofit organization or from any department, agency, or instrumentality of the Federal Government; any State, or local government, for the reasonable travel expenses incurred by an officer or employee of the Council in connection with his attendance at any conference, seminar, or similar meeting conducted for the benefit of the Council.*

SEC. 208. *The Council may make expenditures in support of its international activities, including expenditures for: (1) international travel; (2) activities in implementation of international agreements; and (3) the support of international exchange programs in the United States and in foreign countries.*

SEC. [207.] 209. 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.

June 23, 1975

Dear Mr. Director:

The following bills were received at the White House on June 23rd:

H.J. Res. 499
H.R. 37
H.R. 6054
H.R. 6698

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

The Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C.