

and collected pursuant to this section in a fiscal year—

(A) for services and activities carried out pursuant to<sup>1</sup> the Federal Water Pollution Control Act [33 U.S.C. 1251 et seq.] is \$10,000,000; and

(B) for services and activities in programs within the jurisdiction of the House Committee on Energy and Commerce and administered by the Environmental Protection Agency through the Administrator, shall be limited to such sums collected as of November 5, 1990, pursuant to sections 2625(b) and 2665(e)(2)<sup>2</sup> of title 15, and such sums specifically authorized by the Clean Air Act Amendments of 1990.

(2) Any remaining amounts required to be collected under this section shall be collected from services and programs administered by the Environmental Protection Agency other than those specified in subparagraphs (A) and (B) of paragraph (1).

**(d) Rule of construction**

Nothing in this section increases or diminishes the authority of the Administrator to promulgate regulations pursuant to section 9701 of title 31.

**(e) Uses of fees**

Fees and charges collected pursuant to this section shall be deposited into a special account for environmental services in the Treasury of the United States. Subject to appropriation Acts, such funds shall be available to the Environmental Protection Agency to carry out the activities for which such fees and charges are collected. Such funds shall remain available until expended.

(Pub. L. 101-508, title VI, §6501, Nov. 5, 1990, 104 Stat. 1388-320.)

REFERENCES IN TEXT

The Federal Water Pollution Control Act, referred to in subsec. (c)(1)(A), is act June 30, 1948, ch. 758, as amended generally by Pub. L. 92-500, § 2, Oct. 18, 1972, 86 Stat. 816, which is classified generally to chapter 26 (§1251 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of Title 33 and Tables.

Section 2665(e)(2) of title 15, referred to in subsec. (c)(1)(B), was redesignated section 2665(d)(2) of Title 15, Commerce and Trade, by Pub. L. 104-66, title II, §2021(l)(2), Dec. 21, 1995, 109 Stat. 728.

The Clean Air Act Amendments of 1990, referred to in subsec. (c)(1)(B), means Pub. L. 101-549, Nov. 15, 1990, 104 Stat. 2399. For complete classification of this Act to the Code, see Short Title of 1990 Amendment note set out under section 7401 of this title and Tables.

CODIFICATION

In subsec. (d), “section 9701 of title 31” was in the original “the Independent Office Appropriations Act (31 U.S.C. 9701)” and substitution was made as if it read for “title V of the Independent Offices Appropriation Act of 1952” on authority of Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

Section was enacted as part of the Omnibus Budget Reconciliation Act of 1990, and not as part of the National Environmental Policy Act of 1969 which comprises this chapter.

<sup>1</sup> So in original. Probably should be “to”.

<sup>2</sup> See References in Text note below.

CHANGE OF NAME

Committee on Energy and Commerce of House of Representatives treated as referring to Committee on Commerce of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

**§ 4370d. Percentage of Federal funding for organizations owned by socially and economically disadvantaged individuals**

The Administrator of the Environmental Protection Agency shall, on and after October 6, 1992, to the fullest extent possible, ensure that at least 8 per centum of Federal funding for prime and subcontracts awarded in support of authorized programs, including grants, loans, and contracts for wastewater treatment and leaking underground storage tanks grants, be made available to business concerns or other organizations owned or controlled by socially and economically disadvantaged individuals (within the meaning of section 637(a)(5) and (6) of title 15), including historically black colleges and universities. For purposes of this section, economically and socially disadvantaged individuals shall be deemed to include women.

(Pub. L. 102-389, title III, Oct. 6, 1992, 106 Stat. 1602.)

CODIFICATION

Section was enacted as part of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993, and not as part of the National Environmental Policy Act of 1969 which comprises this chapter.

**CHAPTER 56—ENVIRONMENTAL QUALITY IMPROVEMENT**

- Sec. 4371. Congressional findings, declarations, and purposes.
- 4372. Office of Environmental Quality.
  - (a) Establishment; Director; Deputy Director.
  - (b) Compensation of Deputy Director.
  - (c) Employment of personnel, experts, and consultants; compensation.
  - (d) Duties and functions of Director.
  - (e) Authority of Director to contract.
- 4373. Referral of Environmental Quality Reports to standing committees having jurisdiction.
- 4374. Authorization of appropriations.
- 4375. Office of Environmental Quality Management Fund.
  - (a) Establishment; financing of study contracts and Federal interagency environmental projects.
  - (b) Study contract or project initiative.
  - (c) Regulations.

**§ 4371. Congressional findings, declarations, and purposes**

- (a) The Congress finds—
  - (1) that man has caused changes in the environment;
  - (2) that many of these changes may affect the relationship between man and his environment; and
  - (3) that population increases and urban concentration contribute directly to pollution and the degradation of our environment.
- (b)(1) The Congress declares that there is a national policy for the environment which pro-

vides for the enhancement of environmental quality. This policy is evidenced by statutes heretofore enacted relating to the prevention, abatement, and control of environmental pollution, water and land resources, transportation, and economic and regional development.

(2) The primary responsibility for implementing this policy rests with State and local government.

(3) The Federal Government encourages and supports implementation of this policy through appropriate regional organizations established under existing law.

(c) The purposes of this chapter are—

(1) to assure that each Federal department and agency conducting or supporting public works activities which affect the environment shall implement the policies established under existing law; and

(2) 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.

(Pub. L. 91-224, title II, §202, Apr. 3, 1970, 84 Stat. 114.)

#### REFERENCES IN TEXT

Public Law 91-190, referred to in subsec. (c)(2), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, known as the National Environmental Policy Act of 1969, which is classified generally to chapter 55 (§4321 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of this title and Tables.

#### SHORT TITLE

Section 201 of Pub. L. 91-224 provided that: "This title [enacting this chapter] may be cited as the 'Environmental Quality Improvement Act of 1970'."

### § 4372. Office of Environmental Quality

#### (a) Establishment; Director; Deputy Director

There is established in the Executive Office of the President an office to be known as the Office of Environmental Quality (hereafter in this chapter referred to as the "Office"). The Chairman of the Council on Environmental Quality established by Public Law 91-190 shall be the Director of the Office. There shall be in the Office a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate.

#### (b) Compensation of Deputy Director

The compensation of the Deputy Director shall be fixed by the President at a rate not in excess of the annual rate of compensation payable to the Deputy Director of the Office of Management and Budget.

#### (c) Employment of personnel, experts, and consultants; compensation

The Director is authorized to employ such officers and employees (including experts and consultants) as may be necessary to enable the Office to carry out its functions under this chapter and Public Law 91-190, except that he may employ no more than ten specialists and other experts without regard to the provisions of title 5, governing appointments in the competitive serv-

ice, and pay such specialists and experts without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but no such specialist or expert shall be paid at a rate in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of title 5.

#### (d) Duties and functions of Director

In carrying out his functions the Director shall assist and advise the President on policies and programs of the Federal Government affecting environmental quality by—

(1) providing the professional and administrative staff and support for the Council on Environmental Quality established by Public Law 91-190.

(2) assisting the Federal agencies and departments in appraising the effectiveness of existing and proposed facilities, programs, policies, and activities of the Federal Government, and those specific major projects designated by the President which do not require individual project authorization by Congress, which affect environmental quality;

(3) reviewing the adequacy of existing systems for monitoring and predicting environmental changes in order to achieve effective coverage and efficient use of research facilities and other resources;

(4) promoting the advancement of scientific knowledge of the effects of actions and technology on the environment and encourage the development of the means to prevent or reduce adverse effects that endanger the health and well-being of man;

(5) assisting in coordinating among the Federal departments and agencies those programs and activities which affect, protect, and improve environmental quality;

(6) assisting the Federal departments and agencies in the development and interrelationship of environmental quality criteria and standards established through the Federal Government;

(7) collecting, collating, analyzing, and interpreting data and information on environmental quality, ecological research, and evaluation.

#### (e) Authority of Director to contract

The Director is authorized to contract with public or private agencies, institutions, and organizations and with individuals without regard to section 3324(a) and (b) of title 31 and section 5 of title 41 in carrying out his functions.

(Pub. L. 91-224, title II, §203, Apr. 3, 1970, 84 Stat. 114; 1970 Reorg. Plan No. 2, §102, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085.)

#### REFERENCES IN TEXT

Public Law 91-190, referred to in subsecs. (a), (c), and (d), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, known as the National Environmental Policy Act of 1969, which is classified generally to chapter 55 (§4321 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of this title and Tables.

The provisions of title 5, governing appointments in the competitive service, referred to in subsec. (c), are classified to section 3301 et seq. of Title 5, Government Organization and Employees.

The General Schedule, referred to in subsec. (c), is set out under section 5332 of Title 5.

#### CODIFICATION

In subsec. (e), “section 3324(a) and (b) of title 31” substituted for reference to section 3648 of the Revised Statutes (31 U.S.C. 529) on authority of Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

#### TRANSFER OF FUNCTIONS

Functions vested by law (including reorganization plan) in Bureau of the Budget or Director of Bureau of the Budget transferred to President by section 101 of Reorg. Plan No. 2 of 1970, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085, set out in the Appendix to Title 5, Government Organization and Employees. Section 102 of Reorg. Plan No. 2 of 1970, redesignated Bureau of the Budget as Office of Management and Budget.

#### REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

### § 4373. Referral of Environmental Quality Reports to standing committees having jurisdiction

Each Environmental Quality Report required by Public Law 91-190 shall, upon transmittal to Congress, be referred to each standing committee having jurisdiction over any part of the subject matter of the Report.

(Pub. L. 91-224, title II, §204, Apr. 3, 1970, 84 Stat. 115.)

#### REFERENCES IN TEXT

Public Law 91-190, referred to in text, is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, known as the National Environmental Policy Act of 1969, which is classified generally to chapter 55 (§4321 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of this title and Tables.

### § 4374. Authorization of appropriations

There are hereby authorized to be appropriated for the operations of the Office of Environmental Quality and the Council on Environmental Quality not to exceed the following sums for the following fiscal years which sums are in addition to those contained in Public Law 91-190:

- (a) \$2,126,000 for the fiscal year ending September 30, 1979.
- (b) \$3,000,000 for each of the fiscal years ending September 30, 1980, and September 30, 1981.
- (c) \$44,000 for the fiscal years ending September 30, 1982, 1983, and 1984.
- (d) \$480,000 for each of the fiscal years ending September 30, 1985 and September 30, 1986.

(Pub. L. 91-224, title II, §205, Apr. 3, 1970, 84 Stat. 115; Pub. L. 93-36, May 18, 1973, 87 Stat. 72; Pub. L. 94-52, §1, July 3, 1975, 89 Stat. 258; Pub. L. 94-298, May 29, 1976, 90 Stat. 587; Pub. L. 95-300, June 26, 1978, 92 Stat. 342; Pub. L. 97-350, §1, Oct. 18, 1982, 96 Stat. 1661; Pub. L. 98-581, §1, Oct. 30, 1984, 98 Stat. 3093.)

#### REFERENCES IN TEXT

Public Law 91-190, referred to in text, is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, known as the National Environmental Policy Act of 1969, which is classified generally to chapter 55 (§4321 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of this title and Tables.

#### AMENDMENTS

- 1984—Cl. (d). Pub. L. 98-581 added cl. (d).
- 1982—Cl. (c). Pub. L. 97-350 added cl. (c).
- 1978—Pub. L. 95-300 added cls. (a) and (b). Former cls. (a) to (d), which authorized appropriations of \$2,000,000 for fiscal year ending June 30, 1976, \$500,000 for transition period of July 1, 1976 to Sept. 30, 1976, \$3,000,000 for fiscal year ending Sept. 30, 1977, and \$3,000,000 for fiscal year ending Sept. 30, 1978, respectively, were struck out.
- 1976—Pub. L. 94-298 made changes in structure by designating existing provisions as cls. (a) and (b) and adding cls. (c) and (d).
- 1975—Pub. L. 94-52 substituted “\$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)” for “\$1,500,000 for the fiscal year ending June 30, 1974, and \$2,000,000 for the fiscal year ending June 30, 1975”.
- 1973—Pub. L. 93-36 substituted provisions authorizing to be appropriated for operations of the Office of Environmental Quality and the Council on Environmental Quality \$1,500,000 for fiscal year ending June 30, 1974, and \$2,000,000 for fiscal year ending June 30, 1975, for provisions authorizing to be appropriated not to exceed \$500,000 for fiscal year ending June 30, 1970, not to exceed \$750,000 for fiscal year ending June 30, 1971, not to exceed \$1,250,000 for fiscal year ending June 30, 1972, and not to exceed \$1,500,000 for fiscal year ending June 30, 1973.

### § 4375. Office of Environmental Quality Management Fund

#### (a) Establishment; financing of study contracts and Federal interagency environmental projects

There is established an Office of Environmental Quality Management Fund (hereinafter referred to as the “Fund”) to receive advance payments from other agencies or accounts that may be used solely to finance—

- (1) study contracts that are jointly sponsored by the Office and one or more other Federal agencies; and
- (2) Federal interagency environmental projects (including task forces) in which the Office participates.

#### (b) Study contract or project initiative

Any study contract or project that is to be financed under subsection (a) of this section may be initiated only with the approval of the Director.

#### (c) Regulations

The Director shall promulgate regulations setting forth policies and procedures for operation of the Fund.

(Pub. L. 91-224, title II, §206, as added Pub. L. 98-581, §2, Oct. 30, 1984, 98 Stat. 3093.)

## CHAPTER 57—ENVIRONMENTAL POLLUTION STUDY

Sec.  
4391. Congressional statement of findings.