

NEPA Legislative History

Senate Bill No. 1075, the National Environmental Policy Act of 1969, was introduced in the 91st Congress on February 18, 1969, by Senator Henry Jackson. Hearings were held by the Senate Committee on Interior and Insular Affairs on April 16, 1969. Following the adoption of a number of committee amendments, the measure was ordered reported to the Senate on June 18, 1969. At the request of the Director of the Office of Science and Technology and representatives of the Bureau of the Budget, the committee voted on July 8, 1969, to reconsider the measure for purposes of considering additional amendments. The proposed amendments were adopted in part; following the adoption of other amendments suggested by members of the committee, the committee unanimously ordered the bill reported to the Senate on July 8, 1969 (see Senate Report No. 91-296, July 9, 1969 (to accompany S. 1075)). The bill, as amended, passed the Senate unanimously on July 10, 1969, and was sent to the House of Representatives.

The original bill introduced by Senator Jackson did not contain a declaration of environmental policy and did not include any “action-forcing” provisions for the implementation of such a policy. Rather, the bill authorized ecological research by the Secretary of the Interior and established a Council on Environmental Quality. The principal amendment to the bill was added by Senator Jackson in May 1969. It included three new elements: a “declaration of national environmental policy”, a statement that “each person has a fundamental and inalienable right to a healthful environment,” and a series of action-forcing mechanisms including the requirement of a finding by the responsible official concerning the probable environmental impacts of any major federal action. It did not require a “detailed statement.”

Congressman John Dingell introduced H.R. 6750 on February 17, 1969. The bill contained language similar to Senator Jackson’s bill. Seven days of hearings were held in May and June 1969, and the Merchant Marine and Fisheries Committee unanimously reported out a “clean bill” (H.R. 12549) on July 11, 1969 (see House Report No. 91-378, July 11 and 19, 1969 (to accompany HR 12549)). On September 23, 1969, H.R. 12549 was debated, amended from the floor of the House, and passed by the House on a vote of 372-15.

Immediately after the passage of H.R. 12549 as amended, its language was substituted in full into S. 1075. That bill was then returned to the Senate with a request for a conference to resolve the differences between the two versions.

Before the bill went to conference, Senator Jackson introduced an amendment to the Senate-passed language of S. 1075, which was compromise language agreed to by himself and Senator Edmund Muskie. The new language included the requirement for a “detailed statement” and included “alternatives to the proposed action.” Responsible officials were also directed to consult with and obtain the comments of other affected agencies and to make the statement available to the President, Congress, and the public.

The conference committee met three times and submitted its report on December 17, 1969 (see Conference Report No. 91-765, December 17, 1969 (to accompany S. 1075)). The compromise language contained in the report was agreed to by the Senate on December 20, 1969, and by the

House on December 23, 1969. The legislation was enacted by President Richard Nixon on January 1, 1970, and became Public Law No. 91-190.

The text of the House and Conference Committee reports can be found at *United States Code Congressional and Administrative News*, 91st Congress, First Session at 2751 – 2733 (1969). A detailed examination of NEPA's legislative history can also be found in *Pacific Legal Foundation v. Andrus*, 657 F.2d 829 (6th Cir. 1981).