

## MARINE RESOURCES AND ENGINEERING DEVELOPMENT ACT OF 1965

SEPTEMBER 17, 1965.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed.

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

### R E P O R T

[To accompany S. 944]

The Committee on Merchant Marine and Fisheries, to whom was referred the bill (S. 944) to provide for expanded research and development in the marine environment of the United States, to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering, and Resources, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

The amendments are as follows:

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

That this Act may be cited as the "Marine Resources and Engineering Development Act of 1965"

#### DECLARATION OF POLICY AND PURPOSES

SEC. 2. (a) It is hereby declared to be the policy of the United States to develop, encourage, and maintain a coordinated, comprehensive, and long-range national program in marine science for the benefit of mankind to assist in protection of health and property, enhancement of commerce, transportation, and national security, rehabilitation of our commercial fisheries, and increased utilization of these and other resources.

(b) The marine science activities of the United States should be conducted so as to contribute to the following objectives:

(1) The accelerated development of the resources of the marine environment.

(2) The expansion of human knowledge of the marine environment.

(3) The encouragement of private investment enterprise in exploration, technological development, marine commerce, and economic utilization of the resources of the marine environment.

(4) The preservation of the role of the United States as a leader in marine science and resource development.

(5) The advancement of education and training in marine science.

(6) The development and improvement of the capabilities, performance, use, and efficiency of vehicles, equipment, and instruments for use in exploration, research, surveys, the recovery of resources, and the transmission of energy in the marine environment.

(7) The effective utilization of the scientific and engineering resources of the Nation, with close cooperation among all interested agencies, public and private, in order to avoid unnecessary duplication of effort, facilities, and equipment, or waste.

(8) The cooperation by the United States with other nations and groups of nations and international organizations in marine science activities when such cooperation is in the national interest.

#### RESPONSIBILITIES

SEC. 3. (a) In conformity with the provisions of section 2 of this Act, it shall be the duty of the President to—

(1) survey all significant marine science activities, including the policies, plans, programs, and accomplishments of all departments and agencies of the United States engaged in such activities;

(2) develop a comprehensive program of marine science activities, including, but not limited to, exploration, description and prediction of the marine environment, exploitation and conservation of the resources of the marine environment, marine engineering, studies of air-sea interaction, transmission of energy, and communications, to be conducted by departments and agencies of the United States, independently or in cooperation with such non-Federal organizations as States, institutions and industry;

(3) designate and fix responsibility for the conduct of the foregoing marine science activities by departments and agencies of the United States;

(4) insure cooperation and resolve differences arising among departments and agencies of the United States with respect to marine science activities under this Act, including differences as to whether a particular project is a marine science activity;

(5) undertake a comprehensive study, by contract or otherwise, of the legal problems arising out of the management, use, development, recovery, and control of the resources of the marine environment;

(6) establish long-range studies of the potential benefits so the United States economy, security, health, and welfare to be gained from marine resources, engineering, and science, and the costs involved in obtaining such benefits; and

(7) issue a statement of national goals with respect to marine science.

(b) In the planning and conduct of a coordinated Federal program the President shall utilize such staff, interagency, and non-Government advisory arrangements as he may find necessary and appropriate and shall consult with departments and agencies concerned with marine science activities and solicit the views of non-Federal organizations and individuals with capabilities in marine sciences.

#### COMMISSION ON MARINE SCIENCE, ENGINEERING, AND RESOURCES

SEC. 4. (a) The President shall establish a Commission on Marine Science, Engineering, and Resources (in this Act referred to as the "Commission"). The Commission shall be composed of fifteen members appointed by the President, including individuals drawn from Federal and State governments, industry, universities, laboratories and other institutions engaged in marine scientific or technological pursuits. The President shall select a Chairman and Vice Chairman from among the members. The Vice Chairman shall act as Chairman in the latter's absence.

(b) The Commission shall make a comprehensive investigation and study of all aspects of marine science in order to recommend an overall plan for an adequate national oceanographic program that will meet the present and future national needs. The Commission shall undertake a review of existing and planned marine science activities of the United States in order to assess their adequacy in meeting the objectives set forth under section 2(b), including the following:

(1) Review the known and contemplated needs for natural resources from the oceans to maintain our expanding national economy.

(2) Review the surveys, applied research programs, and ocean engineering projects required to obtain the needed resources from the ocean.

(3) Review the existing national research programs to insure realistic and adequate support for basic oceanographic research that will enhance human welfare and scientific knowledge.

(4) Review the existing Government and industrial oceanographic and ocean engineering programs, including education and technical training to determine which programs are required to advance our national oceanographic competence and stature and which are not now adequately supported.

(5) Analyze the findings of the above reviews, including the economic factors involved, and recommend an adequate national marine science program that will meet the present and future national needs without unnecessary duplication of effort.

(6) Recommend a governmental organizational plan with estimated cost.

(c) Members of the Commission appointed from outside the Government shall each receive \$100 per diem when engaged in the actual performance of duties of the Commission and reimbursement of travel expenses, including per diem in lieu of subsistence, as authorized in section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b-2) for persons employed intermittently. Members of the Commission appointed from within the Government shall serve without additional compensation to that received for their services to the Government but shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized in the Act of June 9, 1949, as amended (5 U.S.C. 835-842).

(d) The Commission shall appoint and fix the compensation of such personnel as it deems advisable in accordance with the civil service laws and the Classification Act of 1949, as amended. In addition, the Commission may secure temporary and intermittent services to the same extent as is authorized for the departments by section 15 of the Administrative Expenses Act of 1946 (60 Stat. 810) but at rates not to exceed \$100 per diem for individuals.

(e) The Chairman of the Commission shall be responsible for (1) the assignment of duties and responsibilities among such personnel and their continuing supervision, and (2) the use and expenditures of funds available to the Commission. In carrying out the provisions of this subsection, the Chairman shall be governed by the general policies of the Commission with respect to the work to be accomplished by it and the timing thereof.

(f) Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) may be provided the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator of General Services: *Provided*, That the regulations of the General Services Administration for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 46d) shall apply to the collection of erroneous payments made to or on behalf of a Commission employee, and regulations of said Administrator for the administrative control of funds (31 U.S.C. 665(g)) shall apply to appropriations of the Commission: *And provided further*, That the Commission shall not be required to prescribe such regulations.

(g) The Commission is authorized to secure directly from any executive department, agency, or independent instrumentality of the Government any information it deems necessary to carry out its functions under this Act; and each such department, agency, and instrumentality is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information to the Commission, upon request made by the Chairman.

(h) The Commission shall submit to the President and the Congress not later than eighteen months after the establishment of the Commission as provided in subsection (a) of this section, a final report of its findings and recommendations. The Commission shall cease to exist thirty days after it has submitted its final report.

#### REPORTS

SEC. 5. (a) The President shall transmit to the Congress in January of each year a report, which shall include (1) a comprehensive description of the activities and the accomplishments of all agencies and departments of the United States in the field of marine science activities during the preceding year, and (2) an evaluation of such activities and accomplishments in terms of the objectives set forth pursuant to this Act.

(b) Reports made under this section shall contain such recommendations for legislation as the President may consider necessary or desirable for the attainment

of the objectives of this Act, and shall contain an estimate of funding requirements of each agency and department of the United States for marine science activities during the succeeding fiscal year.

(c) No information which has been classified for reasons of national security shall be included in any report made under this section, except pursuant to authorization given by the President.

#### DEFINITIONS

SEC. 6. For the purposes of this Act the term "marine science" shall be deemed to apply to oceanographic and scientific endeavors and disciplines, engineering and technology in and with relation to the marine environment; and the term "marine environment" shall be deemed to include (a) the oceans, (b) the Continental Shelf of the United States, (c) the Great Lakes, (d) seabed and subsoil of the submarine areas adjacent to the coasts of the United States to the depth of two hundred meters, or beyond that limit, to where the depths of the superjacent waters admit of the exploitation of the natural resources of such area, (e) the seabed and subsoil of similar submarine areas adjacent to the coasts of islands which comprise United States territory, and (f) the resources thereof.

#### AUTHORIZATION

SEC. 7. There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act, but sums appropriated for any one fiscal year shall not exceed \$1.5 million.

Amend the title so as to read:

An Act to provide for a comprehensive, long-range, and coordinated national program in marine science, to establish a Commission on Marine Science, Engineering, and Resources, and for other purposes.

#### PURPOSE OF THE BILL

The purpose of this bill, as hereby reported, is to provide for the development, encouragement and maintenance of a comprehensive, long-range and coordinated national program in marine science, which would apply to oceanographic and scientific endeavors and disciplines, engineering and technology in and with relation to the total marine environment. The term "marine environment" is defined in the bill to include the waters, the surface and subsurface of the oceans and the Great Lakes, and the resources thereof.

Such a program is recognized by the President, the executive departments, the Congress, and the American public, as being in the national interest now, and increasingly so in the coming years.

This bill would clearly declare a national policy and set forth national objectives in relationship to the marine environment.

It would delineate and emphasize responsibilities applicable now and for the immediate future for the conduct and surveillance of comprehensive program of marine science activities.

It would coordinate the activities in marine science of numerous Government agencies without destroying or impeding their essential autonomy.

It would provide an effective mechanism (through a self-liquidating Commission on Marine Sciences, Engineering, and Resources) for comprehensive review, objective analysis, and long-range recommendations with regard to Government organizational structure and an overall plan for an adequate national program in marine science that will meet our national needs.

It would encourage the maximum use of all the scientific technological and engineering resources, knowledge and skills of the country, through the balanced participation of governmental, institutional,

and industrial interests, in an endeavor of equal or greater importance than the conquest of space.

These purposes are not now being adequately met.

#### BACKGROUND OF THE LEGISLATION

The bill hereby reported is the outgrowth of comprehensive congressional study which began in February 1959, immediately following release of the initial report prepared by the Committee on Oceanography of the National Academy of Sciences-National Research Council entitled "Oceanography 1960-70". The work of that Committee was performed under the sponsorship of several Government agencies having extensive interest in the oceans. The sponsoring agencies were the Atomic Energy Commission, Bureau of Commercial Fisheries of the Department of the Interior, National Science Foundation, and Office of Naval Research of the Department of the Navy.

Your committee's studies disclosed that many other Government agencies engage in activities involving in greater or lesser degree some phase of what is defined in this bill as "marine science" with relation to the "marine environment". The term "marine science" embraces many scientific endeavors and disciplines, engineering and technology. Indeed, it encompasses the scientific study of all aspects of the oceans, their boundaries, and their contents. Marine scientific research is undertaken in a variety of private and Government laboratories. Important segments of industry are engaged in various types of marine science activities, with new prospects for the exploitation of the marine environment opening up with increasing frequency.

Since the commencement of its studies and hearings in early 1959, your committee, acting through its Subcommittee on Oceanography, has reviewed and assessed the status of the marine sciences in the United States, both within and without the Government, as a prelude to making recommendations for legislation or other action that might be needed to develop and maintain an effective national oceanography program for the future. Following these basic studies, several legislative suggestions were advanced in both the House and Senate, designed for the development of a governmental mechanism under which there could be established and maintained a coordinated national program of oceanography. These efforts culminated in agreement in conference between the House and Senate on September 27, 1962, when compromise was reached between the House-passed bill, H.R. 12601, and the Senate bill, S. 901, the conference agreement being the amendment of S. 901 with a substitute text.

The principal features of S. 901 as it passed the Congress were—

a declaration of national policy to develop, encourage, and maintain a coordinated, comprehensive, and long-range national program in oceanography, to be implemented through balanced participation and cooperation of all qualified persons, organizations, institutions, agencies, or corporate entities, whether governmental, educational, nonprofit, or industrial;

direction to the Office of Science and Technology to establish, advance, and develop a coordinated national program of oceanography and issue a statement of goals with respect thereto;

authorization to the President to establish in the Office of Science and Technology the position of Assistant Director for Oceanography;

authorization of an Advisory Committee for Oceanography consisting of not less than seven members with powers to review and make recommendations relative to the national program;

direction for annual reports to the Congress on (1) the general status of oceanography; (2) status of research, development, surveys, etc., conducted by the United States in furtherance of oceanography; (3) a detailed analysis of the amounts proposed for appropriation by Congress for each of the Government departments, agencies, and instrumentalities for the ensuing year; (4) current and future plans and policies of the United States with respect to oceanography; and (5) requests for such legislation as might be necessary to carry out the purposes of the act;

direction to the Bureau of the Budget to provide annually a horizontal budget showing the total amounts proposed for appropriation for marine sciences and the funding assigned to each Government department and agency; and  
definition of the scope of the term "oceanography."

The bill received a pocket veto following the adjournment of the 87th Congress, apparently on account of procedural or organizational grounds, rather than for substantive reasons.

During the same period of congressional review of our national oceanographic requirements and objectives important developments were taking place at the executive level. The Office of the Special Assistant to the President for Science and Technology was created, to be followed by the establishment, in mid-March 1959, of the Federal Council for Science and Technology (FCST). May of that year saw the birth of what was to become the Interagency Committee on Oceanography (ICO), established under the FCST to coordinate programs of some 15 Federal agencies having authority to engage in some phase of oceanographic research.

As executive, congressional, and public interest in a national program in oceanography increased, cordial and cooperative relationships developed which ultimately led to acquiescence by those most closely affiliated with the Government's oceanographic efforts that some sort of statutory base for their conduct was mutually desirable.

Notwithstanding the pocket veto of S. 901, your committee continued close attention to the progress of oceanography in the United States, including active consultation with representatives of institutional and industrial organizations, as well as all Federal agencies concerned with the marine sciences. Those with the most immediate responsibility for attempting to coordinate Federal activities endeavored to report their annual and long-range programs in the same manner they would have been required to do if S. 901 had been enacted.

Hearings and continuing studies of the progress of the oceanographic program convinced your committee that hope for the development and maintenance of an adequate and effective national effort in oceanography was dependent upon the establishment of a base providing statutory direction.

Thus, in January of 1963 H.R. 13, identical to S. 901 as it had passed both Houses in the 87th Congress, was introduced by Chairman Herbert C. Bonner, and identical bills were introduced by other Members. After careful study and consideration of H.R. 13, a new bill, H.R. 6997, was introduced by the chairman of the Subcommittee

on Oceanography, Congressman Alton Lennon, to be cited as "the Oceanographic Act of 1963." By its provisions it represented a compromise designed to meet the White House objections that had brought the veto in the previous Congress. It set forth the national policy to develop and maintain a comprehensive, coordinated, long-range program in oceanography; provided for the President, with assistance from the Office of Science and Technology, to develop goals, coordinate programs, fix agency responsibilities, and report annually to the Congress. It authorized a seven-man advisory committee. Identical bills were introduced by Congressmen Pelly, Casey, Keith, Rogers of Florida, Tupper, and Fascell. After debate under suspension of the rules, it passed the House unanimously on August 5, 1963, following which it was referred to the Committee on Commerce in the Senate. No action was taken by the Senate with respect to H.R. 6997.

Despite the lack of completed congressional action in the 88th Congress, the continued and increasing interest of both the House and the Senate in the need for establishment of an effective national oceanographic program was reflected in such bills as S. 2990 by Senator Magnuson, to establish a National Oceanographic Council, patterned after the National Aeronautics and Space Council; H.R. 10904 by Congressman Bob Wilson, to establish a National Oceanographic Agency; and H.R. 11232 by Congressman Hanna, and a similar bill, H.R. 11419 by Congressman Lennon, authorizing a study of the legal problems arising out of management, use, and control of natural resources of the oceans and ocean beds.

The opening of the 89th Congress in January of this year disclosed increased impatience in the Congress over the delay in enactment of effective legislation to support a national oceanographic program. Contributing to the increased sense of urgency have been such factors as accelerated developments in marine technology and engineering during the past several years and the acquisition by the United States of sovereign rights to the exploration and development of resources of the Continental Shelf under the Convention on the Continental Shelf adopted at the United Nations' Conference on the Law of the Sea. Pursuant to the internationally recognized and exclusive rights so secured, the United States assumes the responsibility of executing an accelerated program of exploration and development of the physical, chemical, geological, and biological resources of the Continental Shelf.

By the middle of June of this year some 16 bills designed to strengthen the Nation's efforts in the study and exploitation of the oceans and the ocean resources of the world were pending in the House. Although there was some duplication involving multiple sponsorship of individual approaches, there were nevertheless, some seven different approaches. These ranged from a bill to create a completely independent agency headed by an Administrator which would be effectuated by transferring to the new agency all functions relating to oceanography and related sciences which are presently vested in any officer, employee, department, agency, or instrumentality of the United States (H.R. 921 by Bob Wilson of California), to a bill to authorize the establishment of a self-liquidating National Commission on Oceanography to "make a comprehensive investigation and study of all aspects of oceanography in order to recommend an overall plan for an adequate national oceanographic program that will meet the present and future national needs" (H.R. 9064 by Mr. Rogers of Florida, H.R.

9483 by Mr. Reinecke, H.R. 9617 by Mr. Hanna, and H.R. 9667 by Mr. Downing).

Other variations included the establishment of a program of marine exploration and development of the resources of the Continental Shelf under the direction of a Marine Exploration and Development Commission (H.R. 5884 by Mr. Rivers of Alaska and H.R. 6009 by Mr. Keith of Massachusetts). Another approach was that that had passed the House in two preceding Congresses, with basic responsibility in the President (H.R. 2218 by Mr. Lennon, H.R. 3310 by Mr. Pelly, and H.R. 3352 by Mr. Bonner). And still another called for the establishment of a Cabinet-level National Oceanographic Council, patterned after the National Aeronautics and Space Council and identical to S. 2990 of the 88th Congress and S. 944 of the 89th Congress (H.R. 5654 by Mr. Fascell, H.R. 6512 by Mr. Fulton, H.R. 7301 by Mr. Hanna, and H.R. 7798 by Mr. Huot). Several bills combined features of more than one of the various approaches (H.R. 6457 by Mr. Ashley and H.R. 7849 by Mr. Teague of Texas).

Finally, on August 9, 1965, S. 944, which passed the Senate on August 5, was referred to your committee. This latter bill, to be cited as "the Marine Resources and Development Act of 1965" (a) set forth a broad declaration of policy and purpose; (b) established in the Executive Office of the President the Cabinet-level Council on Marine Resources and Engineering Development under the chairmanship of the Vice President, with responsibility to develop and carry forward a comprehensive program covering all aspects of marine science activities; and (c) the establishment of a Commission on Marine Sciences, Engineering, and Resources to assist the President and the Council in carrying out their functions. The Commission would also survey the marine science activities of the United States, make recommendations for the most effective organizational structure for conduct of Federal activities in this area, and make recommendations for the encouragement of private investment in marine science and resource development. The Commission, required to submit to the Council a final report of its findings and recommendations not later than 18 months after its establishment, would cease to exist 30 days after submission of its final report.

It was with this background that your committee commenced hearings on August 3, 1965.

Recognizing the sincerely considered approaches embodied in the various bills before it, the committee's hearing schedule called for testimony directed to all of the bills, with the hope that by such complete examination of their various approaches, and any alternate recommendations that might be made, the committee would be guided to the development of legislation which would result in the most effective program.

#### PRESENT FEDERAL ORGANIZATION AND FUNCTION IN OCEANOGRAPHY

The existing Federal program is presently conducted under existing statutes in approximately 20 Federal departments, independent agencies, and bureaus. Of the \$141.6 million proposed by the President for fiscal year 1966, \$66.7 million, almost 50 percent, represent the Navy's participation.

Coordination is effected through the Interagency Committee on Oceanography of the Federal Council for Science and Technology.

Operating through a number of working level panels, the ICO has the responsibility to review current activity plans and programs of individual agencies; coordinate budget planning; and consider special problems in implementing the aggregate of activities to meet new and emerging national needs.

The ICO operates within the science planning and coordinating apparatus that includes these four elements:

1. Office of Science and Technology;
2. Office of the Special Assistant to the President for Science and Technology;
3. Federal Council for Science and Technology;
4. President's Science Advisory Committee.

The FCST was established by Executive Order 10807 of March 13, 1959. The Special Assistant to the President for Science and Technology is a member and, by precedent, serves as Chairman.

The Office of Science and Technology, established by Reorganization Plan No. 2 of 1962, has statutory responsibility to advise and assist the President in whatever way he directs. It has been indicated that OST has been formally delegated this coordinating responsibility, for oceanography, by the President, but no explicit instruction in this regard has been recorded. Because of its statutory base, OST is responsible to the Congress, whereas the FCST is not.

OST has historically convened individual consultants or groups to advise on programs in oceanography. This year, however, they have assigned this responsibility to PSAC, by the establishment therein, in May, of a Panel on Oceanography.

Early in the development of science advisory apparatus in proximity to the White House, the term "national program" was applied to those fields of science deserving of special Presidential attention because:

- (a) Their stimulation was conspicuously needed to serve some public purpose;
- (b) Statutory responsibility for leadership was spread over a number of different Federal agencies; and
- (c) Coordination and leadership were required in close proximity to the President to assure priority, attention and effective management.

Oceanography was one of the first so designated, and received special budget and coordination support by the Special Assistant from 1961 to 1964.

In a national oceanographic program the Federal Government must be sure that its program has unity, a sense of proper coordination and vigor to be sure that the goals are met effectively in timely fashion, and with due regard to thrift. In the past 6 years your committee has had many opportunities to study the effectiveness of the present Federal organization and function. Much gratifying progress has been made, particularly in the operations of the Interagency Committee on Oceanography. While still woefully understaffed and without funds of its own, under able chairmanship and the small but dedicated staff and working level membership, it has been instrumental in bringing about great improvements in coordination of the diverse oceanographic activities of numerous agencies toward the development of the Federal Government's part in a viable oceanographic program. Nevertheless, your committee cannot emphasize enough the need to

accelerate and enlarge the program and regularize coordination through statutory assurance of continuity.

#### HEARINGS

As previously mentioned, your committee scheduled its hearings on all bills pending before it aimed toward the fostering of our overall national objectives in all aspects of the marine sciences. With ample advance notice, testimony was requested from representatives of all Government agencies involved in any material way in the marine sciences, from industry, from State and local governments, institutions, and other interested organizations.

Although the committee has compiled a voluminous record of testimony during the past 6 years, the current hearings were held de novo, in order to receive the benefit of developments which have occurred in the 2 years since H.R. 6997 passed the House in July 1963. As a result, the printed record runs to some 640 pages. A total of 53 witnesses were heard during the 3 weeks of open hearings, beginning August 3.

The committee was particularly gratified with the interest and cooperation shown by Members of Congress including many who are not on the committee, who testified during the hearings.

Government witnesses included Dr. J. Herbert Holloman, Assistant Secretary of Commerce for Science and Technology; Dr. Harold Seidman, Assistant Director for Management and Organization, Bureau of the Budget; Dr. Robert W. Morse, Assistant Secretary of the Navy for Research and Development and Chairman of the Inter-agency Committee on Oceanography; Dr. Donald F. Hornig, Chairman of the Federal Council on Science and Technology and Director of the Office of Science and Technology; Dr. George M. Kavanagh, Deputy Assistant General Manager for Research and Development, Atomic Energy Commission; Vice Adm. William D. Shields, Assistant Commandant, U.S. Coast Guard; Donald L. McKernan, Director, Bureau of Commercial Fisheries, U.S. Department of the Interior; Dr. Leland J. Haworth, Director, National Science Foundation, and many others accompanying them who contributed materially to the development of the testimony. Industry appearances included representatives of the fisheries, the oil and gas industry, major manufacturing industry, and specialized research equipment companies. Educational institutions and marine laboratories were also represented.

Your committee noted that the position of the Government departments and agencies, including the Bureau of the Budget and the Office of Science and Technology, was generally opposed to all of the bills under consideration with the exception of H.R. 2218 and identical bills, which they favored.

After full and free discussion during the testimony, and deliberation by the committee in executive session during four meetings, your committee adopted S. 944 with an amendment in the nature of a substitute which it believes to be the best and most effective basis for providing for a comprehensive, long-range and truly national oceanographic program attainable at this time.

Cross-examination of the Government witnesses elicited a number of comments and suggestions which showed the way to a compromise of the best features of S. 944 as it passed the Senate with those of H.R. 2218 which had received broad administration support. Fea-

tures in others of the bills under consideration were also deemed to be desirable and important for incorporation into the final compromise bill.

#### ANALYSIS OF THE BILL

There follows a section-by-section summary of S. 944, as amended, accompanied by discussion where appropriate:

##### *Section 1*

The act will be cited as the "Marine Resources and Development Act of 1965."

##### *Section 2. Declaration of policy and purposes*

This section, in subsection (a), sets forth a broad declaration of national policy for the development, encouragement, and maintenance of a coordinated, comprehensive and long-range national program in marine science. This subsection is partially modeled after the policy declaration in H.R. 2218. It should be noted that in this subsection and throughout the bill the term "marine science" is used in lieu of "oceanography," to highlight the greater breadth of scope contemplated therein. For the purposes of the act the term "marine science" is deemed to apply to oceanographic and scientific endeavors and disciplines, engineering and technology in and with relation to the marine environment. In the years since the Congress first became concerned over the status of our program in marine science, technology, and engineering have moved forward at a great rate, and a major program today should envisage far more than only the basic scientific aspects. Similarly, the term "marine environment," as used throughout the bill, is deemed to include the oceans, the Continental Shelf of the United States, the Great Lakes, the seabed and subsoil of all submarine areas over which we have or can assert jurisdiction and the resources thereof. Here, again, progress in technology and engineering make it imperative that we assert and extend our national seapower to the fullest.

Some earlier bills considered by your committee have neglected to mention the Great Lakes. Your committee concurs strongly with the views embodied in S. 944 that we have a tremendous responsibility to the great inland sea comprised of the Great Lakes, and our understanding and exploitation of them will redound to the national good. Your committee expects that greater emphasis on marine science in connection with the Great Lakes will be given in the future.

Subsection (b) lists eight important objectives toward which the marine science activities of the United States should be conducted. They are self-explanatory.

Section 3 charges the President with broad responsibilities for the development, maintenance, and administration of a comprehensive program of marine science activities in the United States.

It is in this section where the greatest difference between S. 944 as it passed the Senate, and is hereby reported, appears. The primary difference is that the Senate would establish a Cabinet-level National Council on Marine Resources and Engineering Development in the Executive Office of the President. The Council would be under the chairmanship of the Vice President, with responsibilities to develop and carry forward a comprehensive program covering all aspects of marine science activities.

As noted above, your committee charges the President with responsibility for the same duties in the bill as hereby reported. Upon consideration of all of the testimony, your committee concluded that the views of the witnesses from the executive departments, the Bureau of the Budget, and the Office of Science and Technology, in opposition to the establishment of such a Council, had much merit. This is particularly true in view of the fact that the existing Federal Council on Science and Technology is presently comprised of the same Cabinet members who would be members of the Senate-proposed statutory Council. The only difference would be that the chairmanship under the Senate version would be in the Vice President, whereas the chairmanship of the FCST is in the Special Assistant to the President for Science and Technology.

In either case, the overall responsibility for the development of national policy and program is in the President. Moreover, the establishment of a statutory National Council at this time would seem to be at odds with the prescribed functions of the Study Commission provided for in the fourth section of both versions of S. 944, which include "recommendations for the most effective organizational structure for conduct of Federal activities in this (marine sciences) area".

At the end of section 3(a)(2) your committee has added language to the comparable provision in the Senate version designed to make it clear that the legislation contemplates a "national", rather than simply "federal" program involving activities only by the departments and agencies of the United States. This language indicates that it is expected that marine science activities will be conducted by departments and agencies of the United States "independently or in cooperation with such non-Federal organizations as States, institutions, and industry." Your committee cannot emphasize this point too much.

In section 3(b) of the House amendment provision is made that in the planning and conduct of a coordinated and Federal program the President shall utilize "such staff, interagency, and non-Government advisory arrangements as he may find necessary and appropriate." In executive session the committee felt that this could be improved by specifically naming the Federal Council for Science and Technology and the Interagency Committee on Oceanography, rather than the more generalized reference to "interagency \* \* \* arrangements." Upon being advised that such specification might conflict with certain established principles regarding statutory direction to the Executive concerning the President's relationship with councils and committees created by the Executive order, the subcommittee agreed so omit the specific reference, but to emphasize in the report its hope and expectation that in the planning and conduct of the program the President will in fact utilize, and indeed strengthen, the functioning of the Federal Council for Science and Technology and the Interagency Committee on Oceanography.

#### *Section 4. Commission on Marine Science, Engineering, and Resources*

This section would authorize the President to establish a Commission on Marine Science, Engineering, and Resources, composed of 15 members appointed by the President. It would include individuals drawn from Federal and State Governments, industry, universities, laboratories, and other institutions engaged in marine scientific or technological pursuits. It is hoped and expected that the member-

ship would be balanced as to the fields of endeavor from which the members are drawn. But your committee did not feel it desirable to restrict the President's selections to rigid categories.

The Commission is directed to make a comprehensive investigation and study of all aspects of marine science in order to recommend an overall plan for an adequate national oceanographic program that will meet the present and future national needs. To this end it is directed to undertake a review of existing and planned marine science activities of the United States in order to assess their adequacy in meeting the objectives outlined in section 2(b), including specific areas of review, direction to analyze the findings of the review, and the submission of recommendations.

Informal comments received from the Office of Science and Technology on one of the drafts under consideration raised a question as to whether section 4(b)(6), calling for the recommendation of an organizational plan with estimates of cost, was necessary in view of the provision of section 4(b)(5), which called for the organization of "an overall plan for an adequate national marine science program." The committee was of the opinion that subsections 5 and 6 were not in conflict with each other, and that they should be amended to make it clear that the Commission is expected to (a) recommend the outline and scope of a marine science program, and (b) recommend a governmental organizational plan with estimated cost. This was done so as to make it crystal clear that the Congress wants not only a recommended national program, but a recommendation as to the type of organizational structure best suited for the Federal Government's participation in the overall program. Further, the bill intends that the Commission's report should indicate the annual and long-range costs that might be anticipated to carry out the Government's part in the program.

During the markup of the bill it was proposed that special declarations of policy should be made with respect to the exploration and development of resources of the Continental Shelf. Though these proposed amendments were not adopted, your committee agrees that special emphasis should be laid on the importance of proceeding without delay through appropriate existing agencies to study the Continental Shelf and to urge that the new Commission also devote particular attention to this important subject.

In the Senate version, which also provided for a self-liquidating Study Commission, its establishment was "at the discretion of the President." On the strength of much of the most important and informed testimony presented to your committee during the hearings, the existence of such a Commission is the heart of our current needs for a comprehensive national program. It appears that the marine sciences are caught in a period of transition affecting other scientific fields as well. There is some reason to believe that one might expect major restructuring of Federal science organization in the environmental sciences at the end of this transition period. Thus, it seems that among the most urgent needs in oceanography is the mandatory establishment of a competent, high-level commission, operating under directives to produce solid recommendations within a reasonable period of time. The results of such a Commission's report could well be the solidification of jurisdictional responsibility in both Houses, which has been lacking.

Section 4 provides for such administrative details as compensation for members of the Commission, establishment of staff, the provision of financial and administrative services, and the securing of information from other departments, agencies, or instrumentalities of the Government.

Subsection 4(b) provides that the Commission shall submit to the President and the Congress not later than 18 months after it is established a final report of findings and recommendations, and shall cease to exist 30 days thereafter.

#### *Section 5. Reports*

Section 5 is a highly important portion of this legislation. It requires annual reporting by the President of a description of the activities and accomplishments of the agencies and departments of the United States in the field of marine science during the preceding year, and an evaluation of such activities and accomplishments. It requires that such reports shall contain recommendations for legislation and estimates of funding requirements during the succeeding fiscal year. Information classified for reasons of national security is generally exempted from the reporting requirements.

#### *Section 6. Definitions*

Under this section the basic terms "marine science" and "marine environment" are defined.

#### *Section 7. Authorization*

This section authorizes the appropriation of such sums as may be necessary to carry out the act, but places a limitation of \$1,500,000 for any one fiscal year.

Suggestions offered by administration sources recommended authorization for appropriations without limitation. Your committee felt that a reasonable limitation was preferable.

During hearings testimony developed that the principal burden of coordinating existing efforts in the oceanographic program falls upon the Interagency Committee on Oceanography, but that the effectiveness of this key group was diminished due to restrictions on available funds and staffing. The Assistant Secretary of the Navy for Research and Development, as Chairman of the ICO, expressed the hope that some way could be found to make more funds available for the ICO. In appreciation of his views, your committee herewith clearly expresses congressional intent that moneys appropriated to carry out the act should be allocated in adequate amounts for the specific use of the Interagency Committee on Oceanography in order to improve its functions and increase its effectiveness.

#### GENERAL

During the hearings a witness from the oil and gas industry testified to express concern that the Congress might enact legislation from among the various oceanographic proposals which would result in governmental interference with private enterprise which is presently actively exploiting the petroleum and other resources of the Continental Shelf. Your committee wishes to emphasize that this legislation is in no way intended to place the Government in the position of duplicating exploration work conducted by the oil and gas industry

or to disseminate information which would be prejudicial to any vested private enterprise activities.

#### COST OF THE LEGISLATION

The only cost to the Government involved in this legislation is in the limited authorization which would defray a portion of the cost of special staff to carry out some of the executive responsibilities and the cost of setting up and operating the Commission on Marine Science, Engineering, and Resources. It is to be expected that through the mechanisms established by this bill increased efficiency in carrying out the national program in marine science will result.

#### DEPARTMENTAL REPORTS

Reports on S. 944 as it passed the Senate and was referred to this committee follow:

EXECUTIVE OFFICE OF THE PRESIDENT,  
BUREAU OF THE BUDGET,  
*Washington, D.C., August 18, 1965.*

HON. HERBERT C. BONNER,  
*Chairman, Committee on Merchant Marine and Fisheries,  
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This will acknowledge your letter of August 10, 1965, inviting the Bureau of the Budget to comment on S. 944, a bill to establish a National Council on Marine Resources and Engineering Development; a Commission on Marine Science, Engineering, and Resources; and for other purposes.

The proposed Council would be composed of the Vice President who would be Chairman, the heads of a number of specified agencies, and such additional officials as the President might designate. The bill provides that the Council assist the President in carrying out a number of specified functions in planning and conducting a national oceanographic program.

The Office of Science and Technology was established in 1962, with the concurrence of the Congress, to advise the President on all scientific and technical matters and to coordinate Federal activities in this area. The Office provides a means whereby the problems and opportunities of competitive scientific areas can be weighed against each other in making program decisions. Establishment of a statutory council would derogate from the functions of the Office in the field of oceanography and would constitute a precedent for further incursions in other fields. Further, the existing Interagency Committee on Oceanography has proven to be an effective mechanism for planning a coordinated national program and is sufficiently flexible to accommodate to developments in this rapidly moving scientific area. The need for flexibility in establishing coordinating arrangements was stressed by the President in his message transmitting Reorganization Plan No. 4 of 1965 to the Congress, which action led to the abolition of nine statutory boards, councils, and interagency committees. The President emphasized that we must have "the capacity for fast, flexible response to changing needs imposed by changing circumstances."

The views of the Bureau of the Budget on the establishment of a study commission for oceanography were provided your committee in

our letter of July 29, 1965, on H.R. 9064. We noted that a special Panel on Oceanography of the President's Science Advisory Committee is now conducting a broad gage study of the field and that this study will help illuminate further opportunities and needs in oceanography. Dr. Hornig's letter of July 6, 1965, on H.R. 9064 pointed out that until this Panel has completed its review the establishment of any study commission would be premature.

In the light of the factors cited above, the Bureau of the Budget recommends against enactment of S. 944 and favors, instead, enactment of H.R. 2218 which would provide for the establishment of a comprehensive Federal oceanographic program under the leadership of the President.

Sincerely yours,

PHILLIP S. HUGHES,  
*Assistant Director for Legislative Reference.*

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EXECUTIVE OFFICE OF THE PRESIDENT,  
OFFICE OF SCIENCE AND TECHNOLOGY,  
*Washington, August 26, 1965.*

HON. HERBERT C. BONNER,  
*Chairman, Committee on Merchant Marine and Fisheries,  
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in further reply to your letter of August 10, 1965, requesting comments on S. 944, to establish a National Council on Marine Resources and Engineering Development; a Commission on Marine Science, Engineering, and Resources; and for other purposes.

Although I am in accord with the purpose of the bill, I do not recognize the need for a national council and believe it would be unwise to create one. Most of the functions of the Council are being performed by the Federal Council for Science and Technology. The creation of another council to foster a particular major field of science raises in principle the desirability of a series of national councils in successive major areas of science. It seems unlikely that the Cabinet officers designated to serve on such a council would, in fact, be able to devote much attention to its work since they already have major responsibilities. For these reasons I cannot recommend the enactment of S. 944.

It seems to me that what is needed at this time is a bill that would blend the best features of S. 944 with those of H.R. 2218, which has won administration support. We are now preparing such a bill which I would be pleased to discuss with you in the near future.

Sincerely yours,

DONALD F. HORNIG, *Director.*

DEPARTMENT OF THE NAVY,  
OFFICE OF THE SECRETARY,  
*Washington, D.C., September 14, 1965.*

HON. HERBERT C. BONNER,  
*Chairman, Committee on Merchant Marine and Fisheries,  
House of Representatives, Washington, D.C.*

MY DEAR MR. CHAIRMAN: Your request for comment on S. 944, an act to provide for expanded research and development in the marine environment of the United States, to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering and Resources, and for other purposes, as passed by the Senate on August 5, 1965, has been assigned to this Department by the Secretary of Defense for the preparation of a report thereon expressing the views of the Department of Defense.

S. 944 would establish a National Council on Marine Resources and Engineering Development consisting of members at the Cabinet level and the Vice President as Chairman. The Council's prerogatives would extend into the areas of both marine sciences and engineering. Further, the President is authorized to establish a 15-member Commission that would report to the President through the Council. The Commission would consist of five members from the Government, five from industry, and five from universities, institutions, or laboratories. The Commission would be dissolved upon submission of its final report due no later than 18 months after the establishment of the Commission.

The objectives of this bill are unquestionably worthwhile; however, the mechanism proposed would put the marine sciences and engineering in an awkward position vis-a-vis the rest of science supported by the Federal Government. The Council on Marine Resources and Engineering Development as proposed in S. 944 would be on the same level, or perhaps even above, that of the Federal Council for Science and Technology to whose work it is closely related. It is difficult to envisage how the administrative complications in such an arrangement could be resolved. Further, establishment of the proposed Council and Commission could lead to the proliferation of similar Councils in other scientific areas.

The Department of the Navy, on behalf of the Department of Defense, opposes enactment of S. 944.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report on S. 944 for the consideration of the committee.

Sincerely yours,

M. K. DISNEY,  
*Captain, U.S. Navy, Director, Legislative Division  
(For the Secretary of the Navy).*

GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE,  
*Washington, D.C., August 20, 1965.*

HON. HERBERT C. BONNER,  
*Chairman, Committee on Merchant Marine and Fisheries,  
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This letter is in reply to your request for the views of this Department with respect to S. 944, an act to provide for expanded research and development in the marine environment of the United States; to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering, and Resources, and for other purposes.

S. 944 would set forth national objectives for marine science activities and would establish a National Council on Marine Resources and Engineering Development composed principally of Cabinet level officers. The Council would advise and assist the President by surveying present marine science activities, developing a marine science program, coordinating the agencies marine science activities, studying the legal problems arising out of use of marine resources and annually comparing Federal marine science accomplishments against the Council's marine science program. The Council would be authorized to employ an executive secretary and staff. S. 944 would also authorize the President to establish an investigatory commission to assist the Council and the President, and require the President to report annually to Congress on his marine science program and on present accomplishments.

The Department strongly supports improvements in and greater emphasis for the national oceanographic or marine sciences program. However, we doubt that S. 944 would have enough beneficial effect upon oceanographic activities to offset the detrimental effect it would have upon the administration of oceanography as a whole.

The Interagency Committee on Oceanography has had considerable success in coordinating and stimulating Federal oceanographic activities, and we are, therefore, not aware of overriding reasons for replacing it. The proposed National Council on Marine Resources and Engineering Development would not change the realities involved in setting priorities and apportioning limited funds among less-limited demands within the agencies. There is no reason to believe that Council review of the national oceanographic or marine sciences program before its submission to the agencies would keep any agency from balancing its oceanographic program needs against the needs of its other programs. On the other hand, creation of the proposed Council would place additional demands directly upon Cabinet officers and agency heads who already have heavy burdens of responsibility.

If the Council supplants the Interagency Committee on Oceanography, the limited amount of personal time which the Council members could devote to Council activities might result in less consideration of oceanography within the executive branch than presently exists. If the Council and the Interagency Committee on Oceanography both exist there will be substantial duplication of efforts and possible conflict of proposed programs. We think it is better to leave oceanographic planning and coordination in the hands of the policy and operating officials who work with the oceanographic program;

serve on the Interagency Committee on Oceanography and who are thus most qualified to advise the President on its needs.

For these reasons, the Department strongly favors the objectives of the act but is opposed to the establishment of a Council to accomplish these objectives. Subject to our additional comments referred to below, we would favor the act if it were amended to permit the President to establish such mechanisms as he believes necessary to accomplish these objectives.

Section 4 of S. 944 would establish an investigatory commission comparable to the commission which would be established by H.R. 9064. We do not see any need for an investigatory commission at this time. We refer you to our letter to you of July 29, 1965, commenting on H.R. 9064, for the remainder of our views on investigatory commissions.

Section 3(f)(7) would require a study of legal problems arising from use of marine resources. Our views on that subject are contained in our letter to you of May 4, 1965, commenting on H.R. 5175.

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

Sincerely,

ROBERT E. GILES.

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DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
Washington, D.C., August 16, 1965.

HON. HERBERT C. BONNER,  
*Chairman, Committee on Merchant Marine and Fisheries,  
House of Representatives, Washington, D.C.*

DEAR MR. BONNER: Your committee has requested our views on S. 944, a bill to provide for expanded research and development in the marine environment of the United States, to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering, and Resources, and for other purposes, which passed the Senate on August 5, 1965.

S. 944 has two main features: First, it provides for the establishment of a National Oceanographic Council composed of the Vice President, certain Cabinet members, including the Secretary of the Interior, and certain other heads of agencies. The function of the Council is to advise the President on the performance of Federal functions in the field of marine science and engineering. This provision of S. 944 is similar to the provision in H.R. 5654 upon which the Department commented adversely in its letter of July 29, 1965, to your committee. Second, it authorizes the President, at his discretion, to establish a 15-member Commission on Marine Science, Engineering, and Resources. The members may include five people from Government, five from industry, and five from universities. One of the functions of the Commission will be to survey the marine science activities of this Nation, and make recommendations regarding the organizational structure of Federal activities in this area. This provision of the bill is similar to H.R. 9064.

In our July 29 letter to your committee, this Department supported the enactment of H.R. 2218. We said that the enactment of the other bills, such as H.R. 5654 and H.R. 9064, is premature.

"This position is based on the premise that the President's Science Advisory Committee's Panel on Oceanography is at the present time making the kind of investigation and study that is contemplated by H.R. 9064. When the Panel completes its study and submits its report Congress can more appropriately decide whether additional legislation dealing either with a further study or with a revised governmental organization to administer the national oceanographic program should be enacted."

Our views have not changed with the passage by the Senate of S. 944. We understand, however, that during the present hearings before your committee a proposal has been made to provide standby authority for the establishment, in the discretion of the President, of a self-liquidating commission, such as proposed in S. 944. We think that this proposal merits serious consideration. If your committee adopts this approach, we would like the opportunity to offer suggestions on the provisions of the legislation.

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

Sincerely yours,

STANLEY A. CAIN,  
*Assistant Secretary of the Interior.*

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GENERAL COUNSEL OF THE TREASURY,  
*Washington, D.C., September 15, 1965.*

HON. HERBERT C. BONNER,  
*Chairman, Committee on Merchant Marine and Fisheries,  
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in reply to your request for the views of this Department on S. 944 to establish a National Oceanographic Council.

The bill would establish a National Oceanographic Council in the Executive Office of the President. The Council would be chaired by the Vice President and composed of the heads of certain executive departments and agencies. The Council would employ a staff headed by an executive director. The chief responsibility of the Council would be to coordinate the work in oceanography being carried out by the various departments and agencies of the Federal Government.

The bill is clearly intended to advance the national program in oceanography. The Department is in full sympathy with that objective; however, it questions whether the proposed bill offers the most effective method of achieving the desired purpose. At the present time, coordination is achieved by the Interagency Committee on Oceanography formed by the Federal Council for Science and Technology. The Department believes this basic approach should be continued and is opposed to the creation of another office or agency with independent authority and responsibility in the field. The latter would result in duplication of effort and organization in oceanography as well as derogate from the authority and responsibility of existing agencies in this field.

The Department has stated its support of H.R. 2218 as a constructive measure for assuring coordination of the efforts of the various Government agencies in the area of oceanography. For the reasons

given above, the Department believes that the establishment of a new administrative organization, as outlined in the proposed bill, will not achieve that result in as desirable a manner.

Accordingly, the Treasury Department is opposed to the enactment of S. 944.

It is noted that S. 944 as enacted by the Senate eliminated as a member of the proposed Council the Secretary of the Treasury. The latter was included in the bill as introduced in the Senate. Should the bill receive favorable consideration, it is recommended that it be amended to include the Secretary of the Treasury as a member of the Council in view of the role to be played by the Coast Guard in any national oceanographic effort.

The Department has been advised by the Bureau of the Budget that there is no objection from the standpoint of the administration's program to the submission of this report to your committee.

Sincerely yours,

FRED B. SMITH,  
*Acting General Counsel.*

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ATOMIC ENERGY COMMISSION,  
*Washington, D.C., August 18, 1965.*

HON. HERBERT C. BONNER,  
*Chairman, Committee on Merchant Marine and Fisheries,  
House of Representatives.*

DEAR MR. BONNER: The Atomic Energy Commission is pleased to comment on S. 944, a bill to provide for expanded research and development in the marine environment of the United States, to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering, and Resources, and for other purposes.

As you know, the Atomic Energy Commission was one of the four Federal agencies that first suggested and participated in efforts to coordinate the national program in oceanography. The Federal Council for Science and Technology (FCST) established the permanent Interagency Committee on Oceanography (ICO) in 1960; a primary function of the ICO has been to coordinate the activities of various agencies having an interest in oceanography and related marine sciences. The AEC is a member of the ICO and participates in the annual preparation of the Government's national oceanographic program, which is reviewed and approved by the FCST. There is also an FCST Committee on Water Resources Research which is concerned with coordinating research activities of the various agencies on fresh water resources, including research pertaining to the Great Lakes.

It is the AEC's understanding that the proposed bill would in effect substitute a National Council on Marine Resources and Engineering Development for the ICO as the primary coordinator of agency activities in the field of oceanography, including the Continental Shelf, and for the FCST Committee on Water Resources Research as the primary coordinator of agency research activities in the field of fresh water resources to the extent that those activities concern the Great Lakes. The bill would also establish, at the discretion of the President, a Commission on Marine Science, Engineering, and Re-

sources to assist the President and the Council in carrying out certain of the functions stated in the bill, and such other duties as may be assigned to it. While the Commission is in accord with the substantive purpose and intent of the proposed legislation, it is our belief that the substitution of the National Council for the ICO and the FCST Committee on Water Resources Research is not necessary or appropriate at this time in view of the effective coordination of agency efforts in this field by these two committees.

Should the bill be considered for passage, however, the Commission suggests that changes as set forth below be made.

Subsection 5(d) should be amended to read as follows:

"(d) No information which has been classified for reasons of national security shall be included in any report made under this section, unless such information has been declassified by, or pursuant to authorization given by, the President."

This change would make it clear that information which has been previously declassified may be included in a report without further action.

The Commission urges the deletion from the bill of subsection 6(b). This subsection would authorize "any member, officer, or employee of the Council to have access to restricted data relating to oceanography and the marine sciences which is required in the performance of his duties \* \* \*" as certified by the National Council, provided the National Council determines that its established "security procedures \* \* \* are \* \* \* in reasonable conformity to the standards established by the Atomic Energy Commission under section 145 of the Atomic Energy Act of 1954 (42 U.S.C. 2165)," and provided the National Council has determined in accordance with such procedures "that permitting such individual to have access to such restricted data will not endanger the common defense and security."

In our view subsection 6(b) would have the effect of diluting the Commission's control over restricted data without adequate demonstrated need. Such a certification procedure for access to restricted data, as proposed by subsection 6(b), has been accorded to only two agencies, the Department of Defense and the National Aeronautics and Space Administration, because the nature of the duties and functions of these agencies have so required. In addition, as Dr. George M. Kavanaugh mentioned during his testimony before your subcommittee on August 13, 1965, section 6(b) is technically defective in that (a) the words "or any other person authorized access to restricted data by the Commission" should follow the word "Commission" in line 14, and (b) the subsection does not provide a means under which persons certified under S. 944 for access to restricted data may exchange restricted data with persons certified for similar access under the National Aeronautics and Space Act.

However, we believe that a statutory provision such as subsection 6(b) for the National Council on Marine Resources and Engineering Development is not necessary. There does not appear to be extensive restricted data pertaining to oceanography and related marine sciences, and we believe that need for access to such restricted data, which the National Council's members and officers as well as its relatively small staff may have, can be effectively handled through the Commission's usual security procedures. In this connection, it should be noted that Public Law 87-206 (75 Stat. 475) amended the Atomic

Energy Act of 1954, as amended, on September 6, 1961, by adding a new subsection 145(c) in order to expedite clearances in such cases as this. In order to allow the National Council to make full use of the clearance procedure contained in section 145(c) of the Atomic Energy Act, it is also recommended that section 6(a) of the proposed bill be revised to read as follows:

"SEC. 6(a). The Council shall arrange with the Federal Bureau of Investigation for the conduct of investigations, including full field investigations, of the character, associations, and loyalty of the Council's officers, employees, and consultants, as it deems appropriate. The results of such investigations shall be furnished to the Council."

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

Sincerely yours,

E. J. BLOCH,  
*Deputy General Manager.*

CHANGES IN EXISTING LAW

There is no change in existing law.

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