

COUNCIL ON ENVIRONMENTAL QUALITY

Progress Report On Agency Procedures Implementing Executive Order 12114,  
"Environmental Effects Abroad of Major Federal Actions" (January 4,  
1979)

CEQ 31

DATE: November 1, 1979

AGENCY: Council on Environmental Quality, Executive Office of the  
President.

ACTION: Information Only: Publication of Second Progress Report on  
Agency Procedures Implementing Executive Order 12114, "Environmental  
Effects Abroad of Major Federal Actions"

SUMMARY: On January 4, 1979, President Carter issued Executive Order  
12114 entitled "Environmental Effects Abroad of Major Federal Actions."  
Executive Order 12114 requires all federal agencies taking major federal  
actions outside the U.S. which are encompassed by and not exempted from  
the Order, to have in effect procedures implementing the Order within 8  
months after January 4, 1979 (i.e., by September 4, 1979). The Order  
requires agencies to consult with the Council on Environmental Quality  
and the Department of State before putting their implementing procedures  
in effect. The Council has previously published certain explanatory  
documents concerning implementation of E.O. 12114 (44 F.R. 18722,  
March 29, 1979). On September 26, 1979 the Council published its first



progress report on agency procedures implementing the Executive Order (44 F.R. 55410). The purpose of this second progress report is to provide an update on where affected agencies stand in this process.

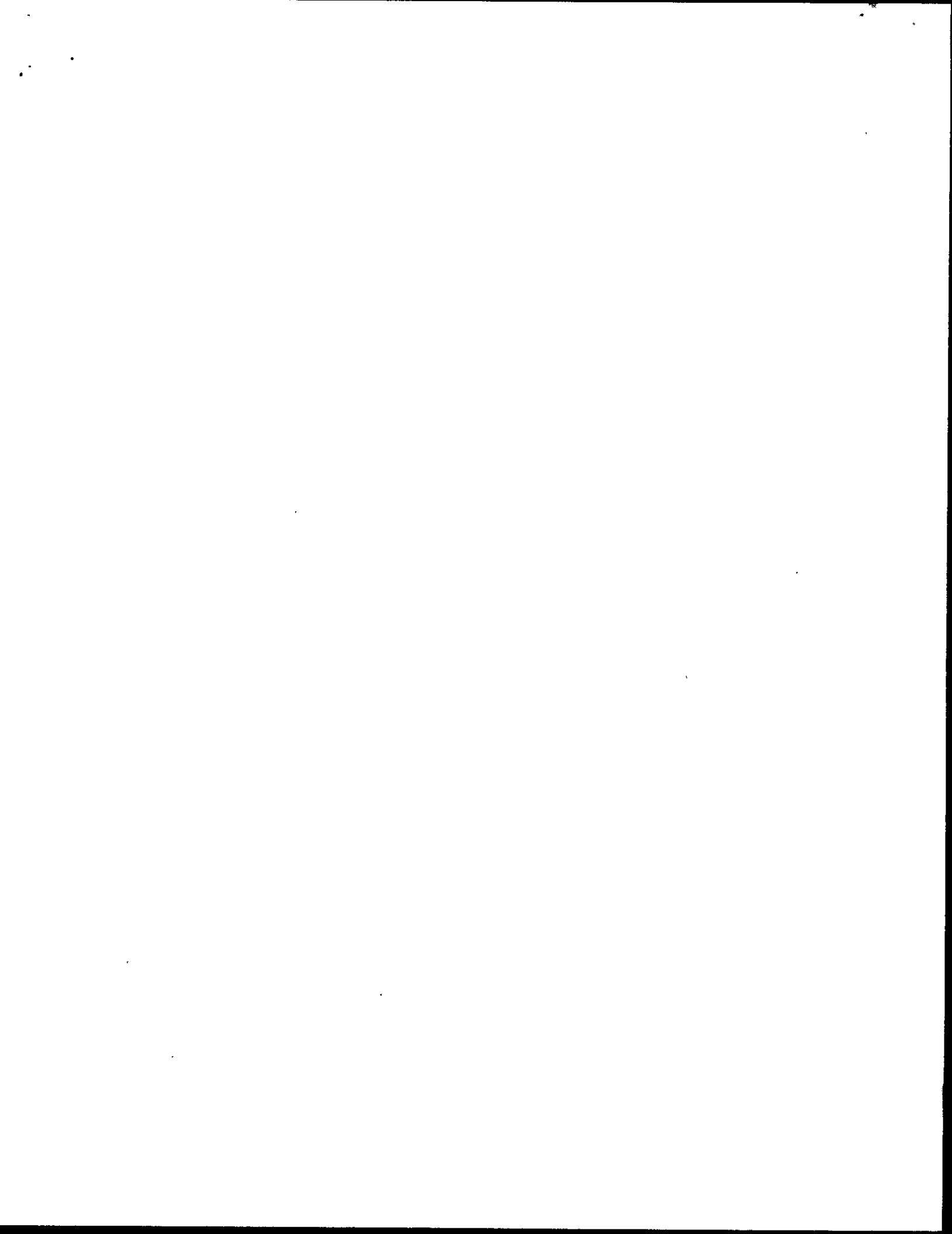
FOR FURTHER INFORMATION CONTACT: Nicholas C. Yost, General Counsel, Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C. 20006; (202) 395-5750.

SECOND PROGRESS REPORT ON AGENCY PROCEDURES IMPLEMENTING E.O. 12114

The progress report lists federal agencies in two categories. In Category 1 are agencies that have published proposed or final procedures implementing Executive Order 12114. Category 2 lists agencies that have prepared draft procedures or are in the process of developing such procedures, and contains an estimated time such procedures will be published in the Federal Register.

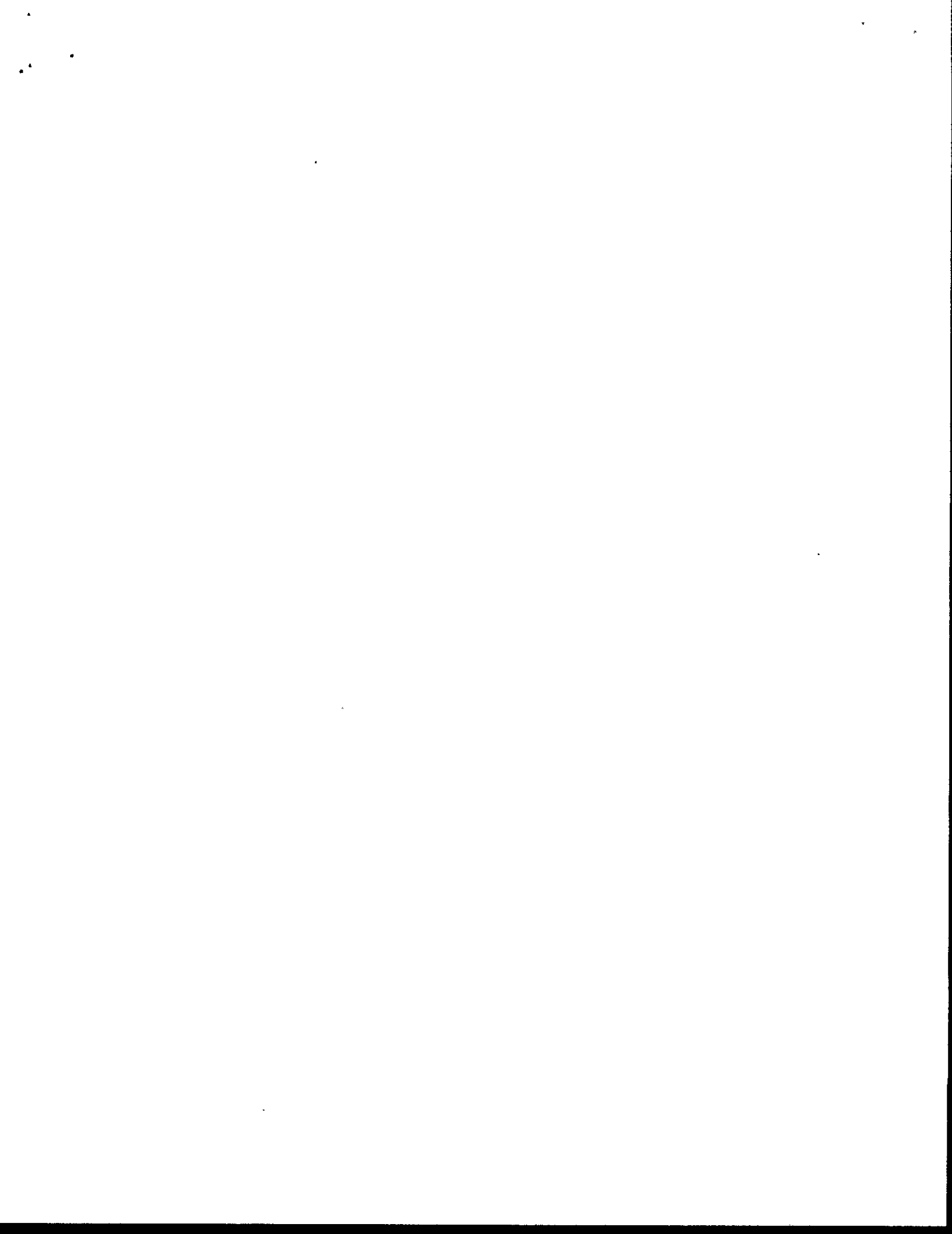
Category 1--Federal agencies that have published proposed or final procedures implementing E.O. 12114.

Department of Defense	Final Procedures issued April 12, 1979 (44 Fed. Reg. 21786)
Export-Import Bank of the United States	Final* Procedures issued August 30, 1979 (44 Fed. Reg. 50813)
Overseas Private Investment Corporation	Final* Procedures issued August 31, 1979 (44 Fed. Reg. 51385)



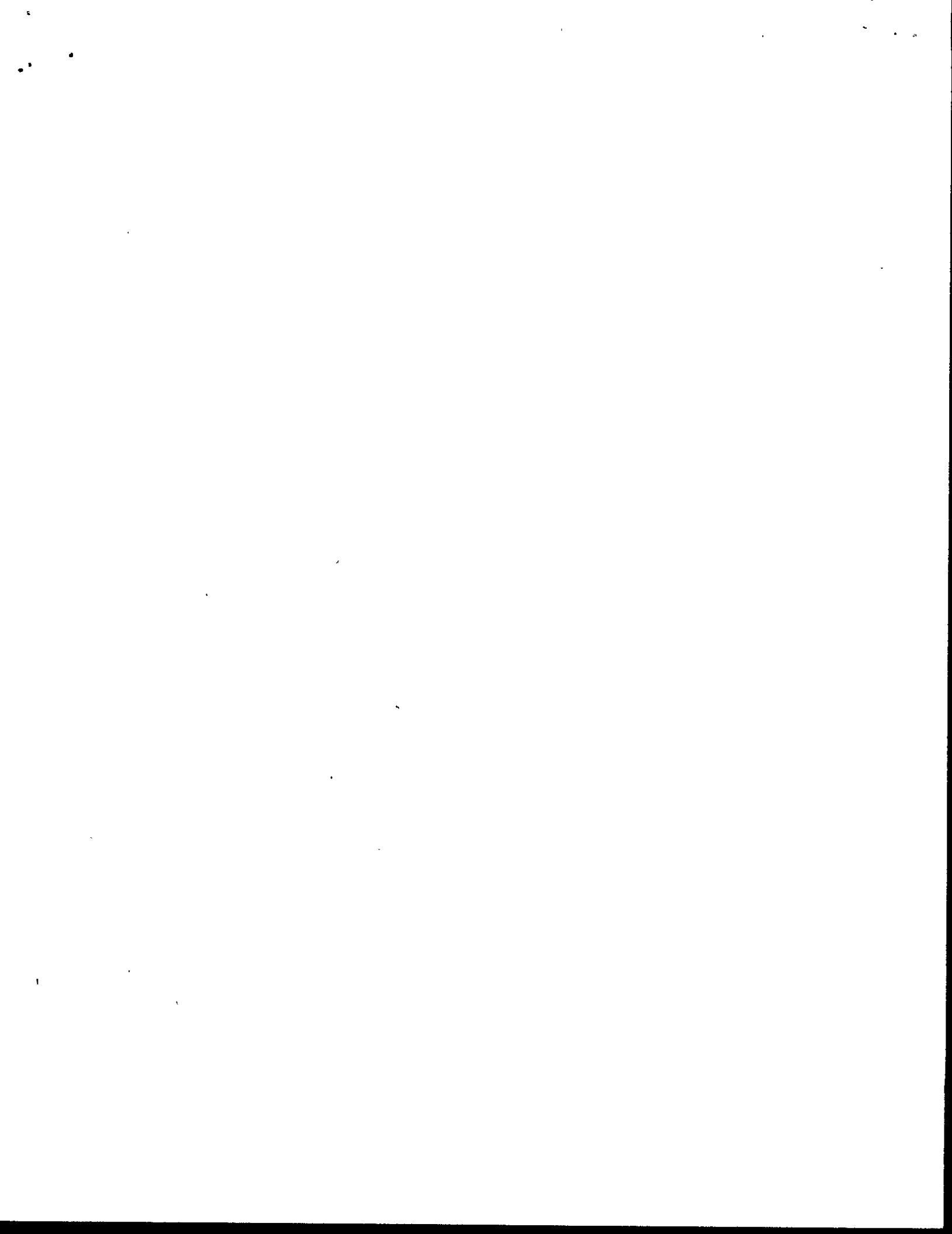
Department of Commerce National Oceanic and Atmospheric Administration	Proposed Revised NOAA Directive Implementing NEPA and E.O. 12114, October 22, 1979 (44 Fed. Reg. 60779)
Department of Energy	Proposed Guidelines issued September 6, 1979 (44 Fed. Reg. 52146)
Department of State	Foreign Affairs Manual Circular No. 807A, Procedures Implementing E.O. 12114 (except nuclear actions) (at the <u>Federal Register</u> )
Agency for International Development	Proposed Environmental Regulations, October 1, 1979 (44 Fed. Reg. 56378)
Department of Transportation	See NEPA procedures (DOT Order 5610.1C) issued Oct. 1, 1979 (44 Fed. Reg. 56420), Paragraph 16
National Aeronautics and Space Administration	See Final NEPA procedures Section 1216.321 issued July 30, 1979 (44 Fed. Reg. 44490- 44491)

\* Although not published in proposed form for public review and comment, the preamble provides an opportunity for public comment on final procedures.



Category 2--Federal agencies scheduled to publish procedures implementing E.O. 12114 in the near future.

Department of State	Draft "Unified Procedures Applicable To Major Federal Actions Relating To Nuclear Activities Subject To Executive Order 12114" awaiting final approval
Department of Commerce	Draft Proposed Procedures awaiting final approval
Environmental Protection Agency	Draft Procedures implementing E.O. 12114 (to be incorporated as Subpart J to EPA NEPA regulations) awaiting final approval
Department of Agriculture	Amendments (containing procedures implementing E.O. 12114) to departmental NEPA procedures awaiting final approval.
Department of Treasury	Draft Procedures implementing E.O. 12114 are under preparation. These procedures are expected to be published in the near future.





Department of Interior

Draft Procedures implementing E.O. 12114  
are under preparation. These procedures  
are expected to be published in the near  
future.

NICHOLAS C. YOST  
General Counsel

November 1, 1979

Dated at Washington, DC, this 27th day of August 1979.

Gary Milhollin,  
Chairman.

[FR Doc. 79-2726 Filed 8-30-79; 8:45 am]  
BILLING CODE 7890-01-M

[Docket Nos. STN 50-568, STN 50-559]

New England Power Co. (NEP-1 and NEP-2); Issuance of Director's Decision Under 10 CFR 2.206

On July 13, 1979, Concerned Citizens of Rhode Island, the Point Judith Fishermen's Cooperative, and the Thomas L. Arnold Trust (CCRI) requested the Director of Nuclear Reactor Regulation issue an order to show cause to dismiss the application for NEP Units 1 and 2 construction permits. The Director has treated the request as a petition for action under 10 CFR 2.206. Upon a review of the information provided by CCRI, the Director has determined that CCRI's request does not provide an adequate basis to issue the order to show cause. Accordingly, CCRI's request has been denied.

Copies of the Director's decision are available for inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and in the Local Public Document Rooms at the Cross Mill Public Library, Old Post Road, Charlestown, Rhode Island 02813, and at the University Library, University of Rhode Island, Government Publications Office, Kingston, Rhode Island 02881. A copy of this decision will also be filed with the Secretary of the Commission for review by the Commission in accordance with 10 CFR 2.206(c) of the Commission's regulations.

In accordance with 10 CFR 2.206(c) of the Commission's regulations, this decision will constitute the final action of the Commission twenty (20) days after the date of issuance, unless the Commission on its own motion institutes a review of this decision within that time.

Dated at Bethesda, Maryland, this 24th day of August 1979.

For The Nuclear Regulatory Commission,  
Harold R. Denton, Director,  
Office of Nuclear Reactor Regulation.

[FR Doc. 79-2726 Filed 8-30-79; 8:45 am]  
BILLING CODE 7890-01-M

[Docket No. 50-206]

Southern California Edison Co. and San Diego Gas and Electric Co.; Issuance of Amendment To Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 45 to Provisional Operating License No. DPR-13, issued to Southern California Edison Company and San Diego Gas and Electric Company (the licensees), which revised the Technical Specifications for operation of the San Onofre Nuclear Generating Station, Unit No. 1 (SONGS, Unit 1) (the facility) located in San Diego County, California. The amendment is effective as of its date of issuance.

The amendment allows temporary, simultaneous chlorination of both condenser halves and an increase of the chlorination time during the approximately three-day special fish impingement studies required under Section 316(b) of the Federal Water Pollution Control Act.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 31, 1979, and (2) Amendment No. 45 to License No. DPR-13, including the Commission's related transmittal letter. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Mission Viejo Branch Library, 24851 Chrisanta Drive, Mission Viejo, California. A single copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 18th day of August 1979.

For the Nuclear Regulatory Commission,  
Dennis L. Ziemann,  
Chief, Operating Reactors Branch #2,  
Division of Operating Reactors.

[FR Doc. 79-2726 Filed 8-30-79; 8:45 am]  
BILLING CODE 7890-01-M

## OVERSEAS PRIVATE INVESTMENT CORPORATION

### Adoption of Environmental Assessment Procedures Required by Executive Order 12114

On January 4, 1979, the President issued Executive Order 12114 (44 FR 1957) entitled "Environmental Effects Abroad of Major Federal Actions." The Executive Order requires federal agencies taking actions encompassed by the Order, and not exempted from it, to effectuate procedures to implement the Order. The Overseas Private Investment Corporation (OPIC) is implementing the Executive Order by the adoption of the following procedures to take effect on September 4, 1979. Persons interested in commenting on these procedures or in requesting further information should contact Gordon Hunt, Office of Development, Overseas Private Investment Corporation, 1129—20th Street, N.W., Washington, D.C. 20527.

#### Section 1. Purpose

As required by Executive Order 12114, issued January 4, 1979, which is incorporated herein by reference, the following procedures shall be used by OPIC to ensure that all significant environmental effects of its actions outside the United States are considered by OPIC in its review of proposed insurance and finance projects. These procedures shall supplement OPIC's existing environmental procedures and guidelines required by Section 206(h) of the Foreign Assistance Act, as amended (the "Act"), as set forth in OPIC Board of Directors resolution (74)15, the memorandum to the OPIC Board of Directors dated January 31, 1978, and the "OPIC Environmental Handbook."

#### Section 2. Definitions

**A. Application.** The term "application" means a formal request to OPIC in the manner specified by OPIC for assistance under an OPIC program from an eligible private party interested in investing in a project in a foreign nation.

**B. Environment.** The term "environment" means the natural and physical environment and excludes social, economic and other environments.

**C. Global Commons.** The term "global commons" means areas outside the exercise of any national jurisdiction.

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**D. Host Country.** The term "host country" means the foreign country in which a project for which OPIC assistance is sought is or will be located.

**E. Major Action.** The term "major action" means a contractual commitment by OPIC to provide assistance under an OPIC program involving at least \$1 million of insured investment, loan guarantees or direct loans, if the applicant therefor has or will have sufficient control over the design and/or operation of the project to mitigate environmental concerns raised by OPIC.

**F. OPIC Programs.** The term "OPIC program" includes OPIC's insurance, direct loan and loan guaranty programs as authorized by the Act.

**G. Significant Effect.** With respect to effects on the environment outside the United States, a proposed action has a significant effect on the environment if it does significant harm to the environment even though on balance the action is believed to result in beneficial effects on the environment.

### Section 3. Applicability of Procedures

**A. Scope.** Except as provided in Subsections B, C, and D below, these procedures shall apply with respect to OPIC's review of each new application for assistance under an OPIC program, whether for new projects or expansions of existing projects, if a favorable decision on such application will result in a major action by OPIC.

**B. Exemptions.** If upon the initial review of an application the OPIC insurance or finance officer making such review determines that the project for which OPIC assistance is sought has no significant effect on the environment outside the United States, these procedures shall not apply. If upon further review of the application, and prior to taking action, it is determined that the project may have a significant effect upon the environment, this exemption shall no longer apply. Also exempt from these procedures are actions falling within the categories listed in Sections 2-5(h) through (vi) of the Executive Order, as limited by Section 2-5(d). A concise administrative record will be prepared to document these determinations.

**C. Categorical Exclusions.** These procedures shall not apply to the review of an application for any project falling within the scope of any category of projects which are determined to involve no significant effects on the environment. OPIC's Investment Committee shall have the authority to establish such categorical exclusions.

**D. Special Exemptions.** These procedures shall not apply to the review of any application for which the General Counsel determines that an exemption is necessary as a result of emergency circumstances, situations involving exceptional foreign policy or national security sensitivities or other special circumstances (except as limited by Section 2-5(d) of the Executive Order). In utilizing any such special exemption, OPIC, through its designated Environmental Officer, shall consult as soon as feasible with the Department of State and the Council of Environmental Quality.

### Section 4. Initial Determinations

**A.** With respect to any application for OPIC assistance falling within the scope of Section 3(A) above, the OPIC officer reviewing such application shall make the following determinations which shall be documented by a concise administrative record:

1. Whether the proposed project is likely to have a significant effect on the environment of the global commons;

2. Whether the proposed project is likely to have a significant effect on the environment of a foreign country other than the host country; and

3. Whether the proposed project is likely to have a significant effect on the environment of a foreign country because it would provide to that country:

(a) a product, or physical project producing a principal product or an emission or effluent, which is prohibited or strictly regulated by Federal law in the United States because its toxic effects on the environment create a serious public health risk, such as asbestos, vinyl chloride, acrylonitrile, isocyanates, polychlorinated biphenyls, mercury, beryllium, arsenic, cadmium, and benzene; or

(b) a physical project which in the United States is prohibited or strictly regulated by Federal law to protect the environment against radioactive substances.

4. Whether the proposed project is likely to have a significant effect on natural or ecological resources of global importance hereafter designated for protection by the President or, in the case of such a resource protected by international agreement binding on the United States, by the Secretary of State.

**B.** The determinations required in Subsection A above shall be based upon the information contained in the application, information reasonably available to OPIC and such additional information from the applicant as deemed necessary by the reviewing officer.

**C.** In the event that the reviewing officer makes a positive determination with respect to any of the categories specified in Subsection A above (i.e., that a significant effect is likely to result), and such determination is not reversed upon review by a supervisory officer or by the Investment Committee, the finance or insurance department, as the case may be, in consultation with OPIC's Environmental Officer, shall take the following actions, as appropriate, prior to acting on the application:

1. If the harmful effect is of the type described in Subsection A(1) above, an environmental impact statement shall be obtained in the manner specified in Section 5 below. Such an environmental impact statement shall consider only the effects described in Subsection A(1), regardless of whether the project would result in other kinds of environmental effects.

2. If the harmful effect is of the type described in Subsection A(2), A(3) or A(4) above, an environmental study or an environmental review shall be prepared in the manner specified in Section 6 below.

### Section 5. Environmental Impact Statements

**A.** If a department within OPIC is required by Section 4(C)(1) to cause the preparation of an environmental impact statement for a particular project, it shall do so in accordance with Subsection B below. If an environmental impact statement for the proposed project or a project involving similar environmental issues or a generic statement covering a class of similar projects already exists, no new environmental impact statement shall be required. When one or more other agencies are also involved in a particular project requiring an environmental impact statement, OPIC may rely upon an environmental impact statement obtained by one or more of the other agencies.

**B.** Environmental impact statements shall be concise and no longer than necessary to permit an informed consideration of the environmental effects of the proposed project and the reasonable alternatives. The statement shall include a section on consideration of the purpose of and need for the proposed project; a section that provides a succinct description of the environment of the global commons affected by the proposed action; and a section that analyzes, in comparative form, the environmental consequences on the global commons of the proposed action and of reasonable alternatives means of structuring the project.

### Section 6. Environmental Studies and Reviews

**A.** If a department is required under Section 4(C)(2) to produce an environmental study or review, it shall, in consultation with the Environmental Officer, determine whether an environmental study as described in Subsection B below which deals with the environmental aspects of the proposed project is available or will be undertaken elsewhere. If no relevant environmental study is or will be available, the OPIC department, in consultation with the Environmental Officer, shall undertake the preparation of an environmental review as described in Subsection C below with, as appropriate, the assistance of the applicant and of other federal agencies having jurisdiction by law or special expertise. If an environmental review for the proposed project or a project involving similar environmental issues or a generic review covering a class of similar projects already exists, no new environmental review shall be required hereunder. When one or more agencies are involved with OPIC on a particular project, a lead agency may be designated to prepare the environmental review.

**B.** An environmental study shall consist of a bilateral or multilateral study by the United States and one or more foreign nations or by an international body or organization in which the United States is a member or participant.

**C.** An environmental review shall consist of a concise analysis of important environmental issues relating to a proposed project, including identification of such issues and of the significant effects to the environment. The department involved in the preparation of an environmental review shall consider the following factors in deciding the

scope, substance and timing of the review and the availability of the review to other agencies:

1. The need to avoid infringement or the appearance of infringement on the sovereign responsibilities and internal affairs of another government;
2. The availability of meaningful information on the environment of a foreign nation;
3. The need to protect confidential business information and trade secrets of the applicant;
4. The desirability of acting promptly upon applications under OPIC programs;
5. The desirability of the project in terms of its export promotion and developmental effects;
6. OPIC's ability to influence the design and/or implementation of the proposed project; and
7. The need to protect sensitive foreign affairs information and information received from another government with the understanding that it will be protected from disclosure.

#### Section 7. Decision

The required environmental documents developed in accordance with these Procedures shall accompany the application through the review process to enable officers responsible for approving an application and, if necessary, the Board of Directors, to be informed and to take account of the environmental considerations covered by such documents.

#### Section 8. Availability

Subject to the considerations of Section 8(C), environmental documents developed under these procedures shall be available to the Department of State, Council on Environmental Quality and other federal agencies and shall be included in the public information files for the pertinent applications. Foreign governments affected thereby may also be informed of such documents after coordinating with the Department of State regarding such communication with the foreign government.

**Effective date.** These procedures become effective on September 4, 1979.

**Dated:** August 27, 1979.

J. Bruce Llewellyn,

President.

[FR Doc. 79-42239 Filed 8-30-79; 8:45 am]

BILLING CODE 2510-01-01

## SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 10839; 8-12-4337]

### Hartford Variable Annuity Life Insurance Co. et al.; Application for Order of Exemption

August 24, 1979.

In the matter of: Hartford Variable Annuity Life Insurance Company, Hartford Variable Annuity Life Insurance Company Separate Account, Hartford Variable Annuity Life

Insurance Company QP Variable Account, Hartford Variable Annuity Life Insurance Company DC Variable Account-I and Hartford Variable Annuity Life Insurance Company DC Variable Account-II, Hartford Plaza, Hartford, Connecticut 06115. (812-4337)

Notice is hereby given that Hartford Variable Annuity Life Insurance Company, ("HVA"), a stock life insurance company organized under the laws of the State of Connecticut; Hartford Variable Annuity Life Insurance Company Separate Account ("HVA Separate Account"), an open-end management investment company registered under the Investment Company Act of 1940 ("Act"); Hartford Variable Annuity Life Insurance Company QP Variable Account ("HVA-QP-VA"), a unit investment trust registered under the Act; Hartford Variable Annuity Life Insurance Company DC Variable Account-I ("DC-I"), a unit investment trust registered under the Act; and Hartford Variable Annuity Life Insurance Company DC Variable Account-II ("DC-II"), a unit investment trust registered under the Act, all of Hartford Plaza, Hartford, Connecticut 06115 (hereinafter collectively referred to as "Applicants"), filed an application on July 20, 1978 and amendments thereto on November 27, 1978 and June 11, 1979, pursuant to Section 6(e) of the Act for an order exempting Applicants from the provisions of Sections 26(a)(2), 27(a)(3) and 27(c)(2) of the Act and pursuant to Section 11(a) of the Act for an order approving certain offers of exchange. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

HVA Separate Account was registered with the Commission under the Act as an open-end, diversified management investment company on December 12, 1967. DC-I was created and organized as a unit investment trust and was registered under the Act on March 12, 1976. HVA-QP-VA was created and organized as a unit investment trust and was registered under the Act on November 26, 1976. DC-II was created and organized as a unit investment trust and was registered under the Act on May 13, 1977.

#### Section 27(a)(3)

Applicants propose to permit owners of policies of life insurance and annuity contracts issued by (1) HVA-excepting those Annuity contracts not subject to sales charged deductions) (2) Hartford Life Insurance Company, Hartford Life and Accident Insurance Company, ITT

Life Insurance Corporation or by any other member Company of the Hartford Insurance Group which issues such policies and/or contracts, and by (3) any other ITT affiliated company that issues policies of life insurance and/or annuity contracts as well as any beneficiary, annuity contract participant or annuitant under any such policy or contract to invest any part or all of any such policy or contract proceeds (payable upon the full or partial surrender or maturity of such policy or contract) in a Group or Individual Variable Annuity Contract (or in a new Group Variable Only Accumulation Contract issued by HVA) with respect to HVA-QP-VA, DC-I or DC-II with no deductions being made for sales expenses.

However, in order not to discriminate unfairly against other purchasers of New Group Variable Only Accumulation Contracts or of Group and Individual Variable Annuity Contracts issued with respect to HVA-QP-VA, DC-I and DC-II, any monies applied without any deductions being made therefrom for sales expenses toward the purchase of these contracts issued with respect to HVA-QP-VA, DC-I and DC-II by any member of a class described in the preceding paragraph will not be counted in determining the particular sales charge to be applied in the case of subsequent payments.

Section 27(a)(3) provides as follows:

It shall be unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate if the amount of sales load deducted from any one of such first payments exceeds proportionately the amount deducted from any other such payment, or the amount deducted from any subsequent payment exceeds proportionately the amount deducted from any other subsequent payment.

Rule 27a-2 provides an exemption from the provisions of Section 27(a)(3) as follows:

A registered separate account and any depositor of or underwriter for such account, shall be exempt from paragraph (3) of Section 27(a) . . . , provided that with respect to any variable annuity contract participating in such account the proportionate amount of sales load deducted from any payment during the contract period shall not exceed the proportionate amount deducted from any prior payment during the contract period.

Because no deduction for sales charges is made upon the acquisition of these contracts issued with respect to HVA-QP-VA, DC-I, or DC-II, with the proceeds of an insurance or annuity contract, whereas subsequent payments under any such acquired contract are

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mothers and children, was repealed by Pub.L. 95-424, Title I, § 103(c), Oct. 6, 1978, 92 Stat. 945, eff. Oct. 1, 1978.

program put into place by 99-440. For other provisions of this section, see Pub.L. 99-440 which is set out in its entirety at 60 [§ 5001 et seq.] of this title.

**Anti-Apartheid Program**

Enactment of this section by Pub.L. 99-440 forms a part of the anti-apartheid

**LIBRARY REFERENCES**

**American Digest System**

Aid to other nations, see War and National Emergency 6-46.

**Encyclopedias**

Aid to other nations, see C.J.S. War and National Defense § 61-2.

**WESTLAW ELECTRONIC RESEARCH**

War and national emergency cases: 402k [add key number].

See, also, WESTLAW guide following the Explanation pages of 60 [§ 5001 et seq.] of this title.

**§ 2151p. Environmental and natural resources**

**(a) Congressional statement of findings**

The Congress finds that if current trends in the degradation of natural resources in developing countries continue, they will seriously undermine the best efforts to meet basic human needs, to sustain economic growth, and to prevent international tension and conflict. The Congress also finds that the world faces numerous, urgent, and complex problems, with respect to natural resources, which require new forms of cooperation between the United States and developing countries to prevent such resources from becoming unmanageable. It is, therefore, in the national and security interests of the United States to provide assistance both in thoroughly reassessing policies relating to natural resources and the environment, and in cooperating extensively with developing countries in order to achieve environmentally sound development.

**(b) Assistance authority and emphasis**

In order to address the serious problems described in subsection (a) of this section, the President is authorized to furnish assistance under subchapter I of this chapter for developing and strengthening the capacity of developing countries to protect and manage their environment and natural resources. Special efforts shall be made to maintain and where possible to restore the land, vegetation, water, wildlife, and other resources upon which depend economic growth and human well-being, especially of the poor.

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pealed by program put into place under Pub. L. 99-440. For other provisions of this title, see Pub. L. 99-440, Oct. 6, 1978. For other provisions on the construction and application of this section, see Pub. L. 99-440, which is set out in its entirety as chapter 60 [§ 5001 et seq.] of this title.

## BIBLIOGRAPHY REFERENCES

War and National Emergency § 46.

J.S. War and National Defense § 61.

## ENVIRONMENTAL RESEARCH

See also cases: 402k [add key number]. See also the following the Explanation pages of this volume.

## ENVIRONMENTAL AND NATURAL RESOURCES

## Statement of findings

That if current trends in the degradation of the environment in developing countries continue, they will severely threaten the ability of these countries to meet basic human needs, to achieve economic growth, and to prevent international tensions. The Commission also finds that the world faces complex and interrelated problems, with respect to natural resources, which require new forms of cooperation between developing countries to prevent such problems from becoming unmanageable. It is, therefore, in the economic interest of the United States to provide leadership in developing sound policies relating to natural resources, and to cooperate extensively with developing countries to achieve environmentally sound development.

## Special emphasis

The serious problems described in subsection (b) of this section. The President is authorized to furnish assistance under this chapter for developing and strengthening the ability of developing countries to protect and manage their natural resources. Special efforts shall be made to restore the land, vegetation, and other natural resources upon which depend economic development, especially of the poor.

## (c) Implementation considerations applicable to programs and projects

(1) The President, in implementing programs and projects under this part, shall take fully into account the impact of such programs and projects upon the environment and natural resources of developing countries. Subject to such procedures as the President considers appropriate, the President shall require all agencies and officials responsible for programs or projects under this part—

(A) to prepare and take fully into account an environmental impact statement for any program or project under this chapter significantly affecting the environment of the global commons outside the jurisdiction of any country, the environment of the United States, or other aspects of the environment which the President may specify; and

(B) to prepare and take fully into account an environmental assessment of any proposed program or project under this chapter significantly affecting the environment of any foreign country.

Such agencies and officials should, where appropriate, use local technical resources in preparing environmental impact statements and environmental assessments pursuant to this subsection.

(2) The President may establish exceptions from the requirements of this subsection for emergency conditions and for cases in which compliance with those requirements would be seriously detrimental to the foreign policy interest of the United States.

(Pub.L. 87-195, Pt. I, § 117, formerly 118, as added Pub.L. 95-88, Title I, § 113(a), Aug. 3, 1977, 91 Stat. 537, and amended Pub.L. 95-424, Title I, § 110, Oct. 6, 1978, 92 Stat. 948; Pub.L. 96-53, Title I, § 122, Aug. 14, 1979, 93 Stat. 366; Pub.L. 97-113, Title III, § 307, Dec. 29, 1981, 95 Stat. 1533; renumbered § 117 and amended Pub.L. 99-529, Title III, § 301(1), (2), Oct. 24, 1986, 100 Stat. 3014.)

## HISTORICAL AND STATUTORY NOTES

**Revision Notes and Legislative Reports**  
1977 Act. House Report No. 95-240 and House Conference Report No. 95-501, see 1977 U.S.Code Cong. and Adm.News, p. 748.

1978 Act. House Report No. 95-1087 and House Conference Report No. 95-1545, see 1978 U.S.Code Cong. and Adm.News, p. 2351.

1979 Act. House Report No. 96-79 and House Conference Report No. 96-397, see 1979 U.S.Code Cong. and Adm.News, p. 857.

1981 Act. Senate Report No. 97-83 and House Conference Report No.

97-413, see 1981 U.S.Code Cong. and Adm.News, p. 2404.

1986 Act. Senate Report No. 99-385, Related Reports, and Statement by President, see 1986 U.S.Code Cong. and Adm.News, p. 5047.

**References to Subchapter I deemed to include certain parts of subchapter II**  
References to subchapter I of this chapter are deemed to include parts IV (section 2346 et seq.), VI (section 2348 et seq.), and VIII (section 2349aa et seq.) of subchapter II of this chapter, and references to subchapter II are deemed to exclude such parts. See section 202(b) of Pub.L. 92-226, set out as a note under

freer flow of information to the jamming of greater access for foreign

national interest of the site a suspension under (4), (5), or (6), to terminate approval under subsection (a) if the opposition re- (7), as the case may be. ment.—Sixty days after is Act [Feb. 16, 1990], to the Congress a re-

by the Government of objectives described in

bilateral sanctions on developments in China national economic rela-

the President's actions (9) [section 901(a)(9)] of the suspensions un- section on—

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## DECISIONS

d. v. Agency for In- supp. 394 [main vol- sed in part 887 F.2d

International Develop- menting grants to for- zations on the orga- did not perform or is method of family nestic parental plan- onal rights to speech, tal planning associa- ties in foreign coun-

and human resources development

[See main volume for text of (a)]

programs

under this section shall be used primarily to expand and education methods, especially those designed to improve al families and the urban poor and to provide them with increase the relevance of formal education systems to the ecially at the primary level, through reform of curricula, teaching methods, and improved teacher training; and to ment capabilities of institutions which enable the poor to nt. Assistance under this section shall also be provided for training of people of developing countries in such disciplines ning and implementation of public and private development

8, Title V, § 562(d)(1), Nov. 5, 1990, 104 Stat. 2031.)

women into national economies; report

[See main volume for text of (a)]

8

"(A) political and economic developments in China;

"(B) the standard of living of the Chinese people;

"(C) relations between the United States and China; and

"(D) the actions taken by China to pro- mote a settlement in Cambodia which will ensure Cambodian independence, facilitate an act of self-determination by the Cambodian people, and prevent the Khmer Rouge from returning to exclusive power;

"(4) the status of programs and activities sus- pended under subsection (a); and

"(5) the additional measures taken by the President under section 901(c) [section 901(c) of Pub.L. 101-246] if repression in China deep- ens."

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try, including any involving abortions, with per- sonnel of certifying organization and using differ- ent physical facilities. Planned Parenthood Fed- eration of America, Inc. v. Agency for Intern. Development, C.A.2 (N.Y.) 1990, 915 F.2d 59.

Agency for International Development policy concerning funding eligibility requirements which prohibited funding for foreign nongovernment family planning organizations which promoted or implemented abortion did not contravene statu- tory purposes of Foreign Assistance Act and did not thereby exceed executive authority. DKT Memorial Fund Ltd. v. Agency for Intern. Devel- opment, C.A.D.C.1989, 887 F.2d 275.

(b) Assistance to encourage participation and integration of women; prohibition against separate assistance program for women

(1) Up to \$10,000,000 of the funds made available each fiscal year under this part and part 10 of this subchapter shall be used, in addition to funds otherwise available for such purposes, for assistance on such terms and conditions as the President may determine to encourage and promote the participation and integration of women as equal partners in the development process in the developing countries. These funds shall be used primarily to support activities which will increase the economic productivity and income earning capacity of women.

[See main volume for text of (2); (c)]

(As amended Pub.L. 101-513, Title V, § 562(d)(2), Nov. 5, 1990, 104 Stat. 2031.)

## § 2151n. Human rights and development assistance

[See main volume for text of (a) and (b)]

(b) <sup>1</sup> Protection of children from exploitation

No assistance may be provided to any government failing to take appropriate and adequate measures, within their means, to protect children from exploitation, abuse or forced conscription into military or paramilitary services.

[See main volume for text of (c) and (d)]

(e) Promotion of civil and political rights; grants to nongovernmental organizations in South Africa; priority, etc.

(1) The President is authorized and encouraged to use not less than \$3,000,000 of the funds made available under this part and part IV of subchapter II of this chapter for each fiscal year for studies to identify, and for openly carrying out, programs and activities which will encourage or promote increased adherence to civil and political rights, as set forth in the Universal Declaration of Human Rights, in countries eligible for assistance under this part or under part 10 of this subchapter, except that funds made available under part 10 of this subchapter may only be used under this subsection with respect to countries in sub-Saharan Africa. None of these funds may be used, directly or indirectly, to influence the outcome of any election in any country.

[See main volume for text of (f) and (g)]

(As amended Pub.L. 101-513, Title V, §§ 562(d)(3), 599D, Nov. 5, 1990, 104 Stat. 2031, 2066.)

<sup>1</sup> Another subsec. (b) has been enacted.

## § 2151p. Environmental and natural resources

[See main volume for text of (a) and (b)]

(c) Implementation considerations applicable to programs and projects

(1) The President, in implementing programs and projects under this part and part 10 of this subchapter, shall take fully into account the impact of such programs and projects upon the environment and natural resources of developing countries. Subject to such procedures as the President considers appropriate, the President shall require all agencies and officials responsible for programs or projects under this part and part 10 of this subchapter—

[See main volume for text of (A) and (B)]

Such agencies and officials should, where appropriate, use local technical resources in preparing environmental impact statements and environmental assessments pur- suant to this subsection.

[See main volume for text of (2)]

(As amended Pub.L. 101-513, Title V, § 562(d)(4), Nov. 5, 1990, 104 Stat. 2031.)

9

mothers and children, was repealed by Pub.L. 95-424, Title I, § 103(c), Oct. 6, 1978, 92 Stat. 945, eff. Oct. 1, 1978.

**Anti-Apartheid Program**

Enactment of this section by Pub.L. 99-440 forms a part of the anti-apartheid

program put into place by Pub.L. 99-440. For other provisions on the construction of this section, see the provisions on the construction of this section, which is set out in its entirety in 60 [§ 5001 et seq.] of this title.

**LIBRARY REFERENCES**

**American Digest System**

Aid to other nations, see War and National Emergency § 46.

**Encyclopedias**

Aid to other nations, see C.J.S. War and National Defense § 61.

**WESTLAW ELECTRONIC RESEARCH**

War and national emergency cases: 402k [add key number].

See, also, WESTLAW guide following the Explanation pages of

**§ 2151p. Environmental and natural resources**

**(a) Congressional statement of findings**

The Congress finds that if current trends in the degradation of natural resources in developing countries continue, they will seriously undermine the best efforts to meet basic human needs, to sustain economic growth, and to prevent international tensions and conflict. The Congress also finds that the world faces numerous, urgent, and complex problems, with respect to natural resources, which require new forms of cooperation between the United States and developing countries to prevent such resources from becoming unmanageable. It is, therefore, in the national interest and security interests of the United States to provide leadership both in thoroughly reassessing policies relating to natural resources and the environment, and in cooperating extensively with developing countries in order to achieve environmentally sound development.

**(b) Assistance authority and emphasis**

In order to address the serious problems described in paragraph (a) of this section, the President is authorized to furnish assistance under subchapter I of this chapter for developing and strengthening the capacity of developing countries to protect and manage their environment and natural resources. Special efforts shall be made to maintain and where possible to restore the land, water, wildlife, and other resources upon which depend the economic growth and human well-being, especially of the poor.

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pealed by program put into place under Pub. L. 99-440. For other provisions of this program and for the effect of such provisions on the construction and application of this section, see Pub.L. 99-440 which is set out in its entirety as amended by Pub.L. 100-204 and Pub.L. 100-205. [§ 5001 et seq.] of this title.

**BIBLIOGRAPHY REFERENCES**

War and National Emergency § 46.  
U.S. War and National Defense § 61.

**ENVIRONMENTAL AND NATURAL RESOURCES**

Policy cases: 402k [add key number].  
See following the Explanation pages of this volume.

**Environmental and natural resources**

**Statement of findings**

that if current trends in the degradation of the environment in developing countries continue, they will severely threaten the ability of these countries to meet basic human needs, to achieve economic growth, and to prevent international tensions. The Commission also finds that the world faces complex and interrelated environmental problems, with respect to natural resources, which require new forms of cooperation between developing countries to prevent such problems from becoming unmanageable. It is, therefore, in the economic interest of the United States to provide leadership in developing policies relating to natural resources, and to cooperate extensively with developing countries to achieve environmentally sound development.

**Policy emphasis**

serious problems described in subsection (c), the President is authorized to furnish assistance to developing countries under this chapter for developing and strengthening their natural resources to protect and manage their natural resources. Special efforts shall be made to restore the land, vegetation, and other natural resources upon which depend economic well-being, especially of the poor.

(c) Implementation considerations applicable to programs and projects

(1) The President, in implementing programs and projects under this part, shall take fully into account the impact of such programs and projects upon the environment and natural resources of developing countries. Subject to such procedures as the President considers appropriate, the President shall require all agencies and officials responsible for programs or projects under this part—

(A) to prepare and take fully into account an environmental impact statement for any program or project under this chapter significantly affecting the environment of the global commons outside the jurisdiction of any country, the environment of the United States, or other aspects of the environment which the President may specify; and

(B) to prepare and take fully into account an environmental assessment of any proposed program or project under this chapter significantly affecting the environment of any foreign country.

Such agencies and officials should, where appropriate, use local technical resources in preparing environmental impact statements and environmental assessments pursuant to this subsection.

(2) The President may establish exceptions from the requirements of this subsection for emergency conditions and for cases in which compliance with those requirements would be seriously detrimental to the foreign policy interest of the United States.

(Pub.L. 87-195, Pt. I, § 117, formerly 118, as added Pub.L. 95-88, Title I, § 113(a), Aug. 3, 1977, 91 Stat. 537, and amended Pub.L. 95-424, Title I, § 110, Oct. 6, 1978, 92 Stat. 948; Pub.L. 96-53, Title I, § 122, Aug. 14, 1979, 93 Stat. 366; Pub.L. 97-113, Title III, § 307, Dec. 29, 1981, 95 Stat. 1533; renumbered § 117 and amended Pub.L. 99-529, Title III, § 301(1), (2), Oct. 24, 1986, 100 Stat. 3014.)

**HISTORICAL AND STATUTORY NOTES**

**Revision Notes and Legislative Reports**  
1977 Act. House Report No. 95-240 and House Conference Report No. 95-501, see 1977 U.S.Code Cong. and Adm.News, p. 748.

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1979 Act. House Report No. 96-79 and House Conference Report No. 96-397, see 1979 U.S.Code Cong. and Adm.News, p. 857.

1981 Act. Senate Report No. 97-83 and House Conference Report No.

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1986 Act. Senate Report No. 99-385, Related Reports, and Statement by President, see 1986 U.S.Code Cong. and Adm.News, p. 5047.

**References to Subchapter I deemed to include certain parts of subchapter II**  
References to subchapter I of this chapter are deemed to include parts IV (section 2346 et seq.), VI (section 2348 et seq.), and VIII (section 2349aa et seq.) of subchapter II of this chapter, and references to subchapter II are deemed to exclude such parts. See section 202(b) of Pub.L. 92-226, set out as a note under

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(a)(9) [section 901(a)(9)]  
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planning and health programs

## DECISIONS

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[See main volume for text of (a)]

## Programs

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training of people of developing countries in such disciplines  
ning and implementation of public and private development

3, Title V, § 562(d)(1), Nov. 5, 1990, 104 Stat. 2031.)

omen into national economies; report

[See main volume for text of (a)]

(b) Assistance to encourage participation and integration of women; prohibition against  
separate assistance program for women

(1) Up to \$10,000,000 of the funds made available each fiscal year under this part  
and part 10 of this subchapter shall be used, in addition to funds otherwise available  
for such purposes, for assistance on such terms and conditions as the President may  
determine to encourage and promote the participation and integration of women as  
equal partners in the development process in the developing countries. These funds  
shall be used primarily to support activities which will increase the economic  
productivity and income earning capacity of women.

[See main volume for text of (2); (c)]

(As amended Pub.L. 101-513, Title V, § 562(d)(2), Nov. 5, 1990, 104 Stat. 2031.)

## § 2151n. Human rights and development assistance

[See main volume for text of (a) and (b)]

(b) 1 Protection of children from exploitation

No assistance may be provided to any government failing to take appropriate and  
adequate measures, within their means, to protect children from exploitation, abuse  
or forced conscription into military or paramilitary services.

[See main volume for text of (c) and (d)]

(e) Promotion of civil and political rights; grants to nongovernmental organizations in  
South Africa; priority, etc.

(1) The President is authorized and encouraged to use not less than \$3,000,000 of  
the funds made available under this part and part IV of subchapter II of this chapter  
for each fiscal year for studies to identify, and for openly carrying out, programs  
and activities which will encourage or promote increased adherence to civil and  
political rights, as set forth in the Universal Declaration of Human Rights, in  
countries eligible for assistance under this part or under part 10 of this subchapter,  
except that funds made available under part 10 of this subchapter may only be used  
under this subsection with respect to countries in sub-Saharan Africa. None of  
these funds may be used, directly or indirectly, to influence the outcome of any  
election in any country.

[See main volume for text of (f) and (g)]

(As amended Pub.L. 101-513, Title V, §§ 562(d)(3), 599D, Nov. 5, 1990, 104 Stat. 2031, 2066.)

1 Another subsec. (b) has been enacted.

## § 2151p. Environmental and natural resources

[See main volume for text of (a) and (b)]

(c) Implementation considerations applicable to programs and projects

(1) The President, in implementing programs and projects under this part and part  
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projects upon the environment and natural resources of developing countries. Sub-  
ject to such procedures as the President considers appropriate, the President shall  
require all agencies and officials responsible for programs or projects under this part  
and part 10 of this subchapter—

[See main volume for text of (A) and (B)]

Such agencies and officials should, where appropriate, use local technical resources  
in preparing environmental impact statements and environmental assessments pur-  
suant to this subsection.

[See main volume for text of (2)]

(As amended Pub.L. 101-513, Title V, § 562(d)(4), Nov. 5, 1990, 104 Stat. 2031.)

CEQ 41

224 B Backs Lane  
Placentia, CA 92670  
August 17, 1981

C. Foster Knight  
Council on Environmental Quality  
722 Jackson Place, NW  
Washington, D.C. 20006

Dear Mr. Knight:

I am writing in reference to Executive Order 12114 and its implementation by the current administration. My records show that the following agencies have not published final implementing procedures: 916-12 Dept Order - QV5111450 Ed, Tczynski 307-2934

- a. Department of Commerce
- b. Environmental Protection Agency
- c. Department of the Interior

headman 255-0777  
proposal 11/29/79 4012 2774

11/4/81

Please inform me of the current status of these agencies' procedures.

In addition, please inform me if your agency has published a more recent progress report on agency procedures than the Sixth Progress Report (45FR77106).

With the new administration's penchant for reducing regulations, I assume that the agencies listed above will not be publishing implementing procedures. This assumption leads me to the question of whether agencies with final procedures will be rescinding them. I have attached my current list of agencies and contact persons.

Thank you for all of your assistance.

Sincerely yours,

Glen Worthington  
Glen Worthington

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Albert Printz  
AID Environmental Coordinator  
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Washington, DC 20523

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U. S. Department of Transportation  
400 Seventh Street SW  
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811 Vermont Avenue NW  
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*Ellie Busick  
(302-4101)*

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