

Mr. BLACK. Well, much has been made of the effect of the Fish and Wildlife Coordination Act. Again, this is a matter of interpretation. It is a matter that my office has discussed with the Solicitor's office—

Mr. MOSS. Well, I voted for it, so I know what I had in mind.

Mr. BLACK. I know. But the interpretation of laws enacted by the Congress isn't always that easy, Mr. Chairman.

Mr. MOSS. I realize that. But I also realize there is a very broad area where there can be differences of opinion. I can tell you what I had in mind, and I believe I can tell you what Congressman Reuss had in mind, and I believe I know what the committee which reported the bill had in mind, when the Congress enacted the 1958 Coordination Act.

Mr. BLACK. Let me suggest that the language of the law—it strikes me as one of the cardinal rules of legal interpretation, of legislative interpretation, is to read the whole law—and subsection (b) of that section refers very pointedly to the Secretary.

Now, if the Secretary of the Interior's role under the Fish and Wildlife Coordination Act is simply one of rubberstamping the views of the Fish and Wildlife Service, then, of course, your interpretation is right and we had no business in it.

I don't view my role as being a conduit—

Mr. MOSS. You are cutting my interpretation down here to a much narrower dimension than I intended. I said it was that type of advice that we were seeking when we said, "They shall consult with." I am not trying to read anything out of context here.

We go on down to subsection 662(b), which states:

In furtherance of such purposes, the reports and recommendations of the Secretary of the Interior on the wildlife aspects * * * based on surveys and investigations conducted by the United States Fish and Wildlife Service. * * *

In other words, he is to base his actions on those surveys and investigations, at least.

Mr. BLACK. I agree.

Mr. MOSS. Did you base your report on that?

Mr. BLACK. Yes, sir, I certainly did, depending on what your interpretation of "based" is. If "based" means I have to accept their conclusions as they come forth, then I did not base it on them. I considered them and I consider that the words "based upon" mean that we will give the fullest consideration to their views, and I can assure you we did, they were viewed in that light.

Mr. MOSS. Subsection 662(b) goes on to express a purpose statement:

* * * for the purpose of determining means and measures that should be adopted to prevent the loss of or damage to such wildlife resources.

Here we have a finding by your experts stating that there would be an impairment of wildlife resources. And the purpose of the consultation is then to have a report forwarded. And the report should have as its purpose the determination of—

means and measures that should be adopted to prevent the loss of or damage to such wildlife resources.

What was there in your final report to the corps which proposed any safeguard?