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APPROVED
JUL 25 1975

THE WHITE HOUSE
WASHINGTON
July 24, 1975

ACTION
Last Day: July 26

To Press Office 7/25/75

*Posted 7/26
To ARCHIVES
7/28*

MEMORANDUM FOR
FROM:
SUBJECT:

THE PRESIDENT

JIM CANNON

**Enrolled Bill H.R. 5710 - 15-month
Extension of Marine Protection,
Research and Sanctuaries Act**

Attached for your consideration is H.R. 5710, sponsored by Representative Sullivan and three others, which authorizes appropriations to carry out the Marine Protection, Research and Sactuaries Act during FY 76 and the transition period ending September 30, 1976.

Additional information is provided in OMB's enrolled bill report at Tab A.

OMB, NSC, Max Friedersdorf, Counsel's Office (Lazarus) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign H.R. 5710 at Tab B.



Signed
7/25/75



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

JUL 21 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 5710 - 15-month extension
of Marine Protection, Research and
Sanctuaries Act
Sponsor - Rep. Sullivan (D) Missouri and
three others

Last Day for Action

July 26, 1975 - Saturday

Purpose

Authorizes appropriations to carry out the Marine Protection,
Research and Sanctuaries Act during fiscal year 1976 and
the transition period ending September 30, 1976.

Agency Recommendations

Office of Management and Budget	Approval
Environmental Protection Agency	Approval
Department of Commerce	Approval
Department of Transportation	Approval
Council on Environmental Quality	Approval
Department of the Army	No objection
Department of the Interior	Defers to EPA and Commerce

Discussion

Based on a 1970 study by the Council on Environmental Quality,
the Marine Protection Research and Sanctuaries Act of 1972
contains three Titles generally related to protection of the
marine environment.

Title I authorizes EPA to operate a permit program to control the dumping of garbage, chemicals, unneeded munitions and other such materials into the oceans. It also authorizes the Army Corps of Engineers to regulate dumping of dredged material, and directs the Coast Guard to carry out related monitoring and enforcement activities.

Title II of the Act authorizes Commerce to undertake a comprehensive research program on the effects of such dumping, and Title III provides authority for Commerce to establish marine sanctuaries in coastal waters for conservation, recreation and ecological purposes.

The enrolled bill would authorize appropriations up to the following amounts:

- for Title I, \$5,300,000 for fiscal 1976 and \$1,325,000 for the transition period;
- for Title II, \$1,500,000 for the transition period (the Act already authorizes funds for fiscal 1976):
and,
- for Title III, \$6,200,000 for fiscal 1976 and \$1,550,000 for the transition period.

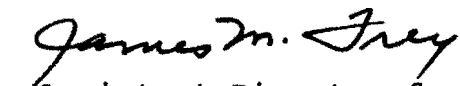
By contrast, the Administration recommended authorization of the following amounts:

- for Title I, \$1,260,000 for fiscal 1976 and \$1,400,000 for fiscal 1977;
- for Title II, no recommendation; and,
- for Title III, \$10,000,000 for each of fiscal 1976 and fiscal 1977.

Thus, the enrolled bill would authorize more than four times the amount requested for Title I, add funds for Title II during the transition period, and reduce the authorization for Title III from \$10 million to \$6,200,000.

Despite these differences, we recommend approval of H.R. 5710. The authorization levels are not mandatory, and the amounts contained in the actual appropriations legislation are expected to be considerably smaller and more in line with the Administration's recommendations.

As a final note, the enrolled bill would also change from January to March the month in which the Secretary of Commerce must file an annual report on activities related to Title II.


Assistant Director for
Legislative Reference

Enclosures

NATIONAL SECURITY COUNCIL

July 25, 1975

Sudy Lomser

MEMORANDUM FOR: JAMES CAVANAUGH

FROM: Jeanne W. Davis *JWD*

SUBJECT: H. R. 5710 - 15 Month Extension
of Marine Protection, Research
and Sanctuaries Act

The NSC Staff concurs in the proposed Enrolled Bill H. R. 5710 -
15 month extension of Marine Protection, Research and Sanctuaries
Act.



109 Cavanaugh
7-21-75
5:30 P.M.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

JUL 21 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 5710 - 15-month extension
of Marine Protection, Research and
Sanctuaries Act
Sponsor - Rep. Sullivan (D) Missouri and
three others

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Research and Sanctuaries Act during fiscal year 1976 and
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Discussion

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As a final note, the enrolled bill would also change from January to March the month in which the Secretary of Commerce must file an annual report on activities related to Title II.

James M. Frey

Assistant Director for
Legislative Reference

Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 18 1975

OFFICE OF THE
ADMINISTRATOR

Dear Mr. Lynn:

This is in response to your request of July 14, 1975, for the Environmental Protection Agency's views and comments on H.R. 5710, an enrolled bill. The purpose of this Act is "To amend the Marine Protection, Research and Sanctuaries Act of 1972 to authorize appropriations to carry out the provisions of such Act for fiscal year 1976 and for the transition period following such fiscal year, and for other purposes."

As you know the Marine Protection Act provides for an absolute ban on the transportation and dumping of radiological, chemical or biological warfare agents and high level radiological wastes. It also prohibits the transportation and dumping of all other waste material, unless authorized by a permit.

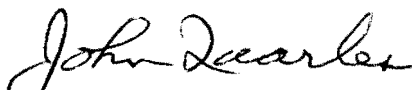
Under Title I, the Administrator of EPA is authorized to issue permits for the transportation for the purposes of dumping or for dumping of all material except for dredged material which is handled by the Corps of Engineers, consistent with EPA criteria. Civil penalties may be addressed by the Administrator, after notice and opportunity for a hearing, and an action may be brought to impose criminal penalties when the provisions of Title I are knowingly violated.

The Marine Protection, Research and Sanctuaries Act of 1972 significantly augments this country's ability to understand and to regulate pollution in the marine environment. Accordingly, it is necessary to provide for the



authorization of appropriations to enable us to continue our efforts under the Act. We, therefore, support the enrolled bill, H.R. 5710, and recommend its presentation to the President for signature.

Sincerely yours,


for Russell E. Train
Administrator

Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C. 20503



**GENERAL COUNSEL OF THE
DEPARTMENT OF COMMERCE**
Washington, D.C. 20230

JUL 17 1975

Honorable James T. Lynn
Director, Office of Management
and Budget
Washington, D. C. 20503

Attention: Assistant Director for Legislative Reference

Dear Mr. Lynn:

This is in reply to your request for the views of this Department concerning H. R. 5710, an enrolled enactment

"To amend the Marine Protection, Research, and Sanctuaries Act of 1972 to authorize appropriations to carry out the provisions of such Act for fiscal year 1976 and for the transition period following such fiscal year, and for other purposes."

H. R. 5710 would authorize appropriations not to exceed \$5,300,000 for FY 1976 and \$1,325,000 for the transition period for activities under Title I of the Marine Protection, Research, and Sanctuaries Act of 1972; \$1,500,000 for the transition period for activities under Title II of the Act; and \$6,200,000 for FY 1976 and \$1,550,000 for the transition period for activities under Title III of the Act. In addition the bill would change from January to March of each year the time for submission by the Secretary of Commerce of his report to Congress on activities undertaken under section 202 of the Act during the previous fiscal year.

The Department of Commerce recommends approval by the President of this legislation.

Enactment of this legislation would involve additional expenditures by this Department, the amount of which would depend upon the appropriations made to the Department pursuant to the authorizations outlined above.

Sincerely,

Karl E. Bateke

General Counsel





OFFICE OF THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

JUL 15 1975

Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Lynn:

Reference is made to your request for the views of the Department of Transportation concerning H.R. 5710, an enrolled bill

"To amend the Marine Protection, Research, and Sanctuaries Act of 1972 to authorize appropriations to carry out the provisions of such Act for fiscal year 1976 and for the transition period following such fiscal year, and for other purposes."

The only provision of the enrolled bill that concerns this Department is the amendment to Section 111 of Title I of the Marine Protection, Research, and Sanctuaries Act of 1972. That Title contains provisions relating to the dumping of certain materials into ocean waters. Section 111 of Title I of the Act, as amended by the enrolled bill, authorizes the appropriation of a sum not to exceed \$5,300,000 for fiscal year 1976, and of a sum not to exceed \$1,325,000 for the transition period (July 1 through September 30, 1976). Existing law authorizes the sum of \$5,500,000 for fiscal years 1974 and 1975 only.

The Department of Transportation supports this legislation to extend the authorization of appropriations for one additional year and for the transition period and recommends that the President sign the enrolled bill, H.R. 5710.

Sincerely,

A handwritten signature in cursive script, reading "John Hart Ely", is written over the typed name and title.

John Hart Ely
General Counsel

EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
722 JACKSON PLACE, N. W.
WASHINGTON, D. C. 20006

JUL 18 1975

MEMORANDUM FOR JAMES M. FREY
OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: Enrolled Bill - H.R. 5710

The Council has reviewed the referenced enrolled bill and recommends that it be signed into law by the President.



Gary Widman
General Counsel



DEPARTMENT OF THE ARMY
WASHINGTON, D.C. 20310

16 JUL 1975

Honorable James T. Lynn

Director, Office of Management and Budget

Dear Mr. Lynn:

The Secretary of Defense has delegated responsibility to the Department of the Army for reporting the views of the Department of Defense on enrolled enactment H. R. 5710, 94th Congress, "To amend the Marine Protection, Research, and Sanctuaries Act of 1972 to authorize appropriations to carry out the provisions of such Act for fiscal year 1976 and for the transition period following such fiscal year, and for other purposes."

The Department of the Army on behalf of the Department of Defense has no objection to the approval of the enrolled enactment.

Title I of the Marine Protection, Research, and Sanctuaries Act of 1972 (Public Law 92-532) provides for the Federal regulation of the transportation of material from the United States for the purpose of dumping into ocean waters, and the dumping of material transported from outside the United States if the dumping occurs in ocean waters over which the United States has jurisdiction or exercises control in order to protect its territory or territorial sea. Section 111 of this Act authorizes appropriations for fiscal years 1973 and 1974 for the purposes of administering the ocean dumping programs established under this title. The Act of October 26, 1974 (Public Law 93-472) amended section 111 to extend its authorization for appropriations through fiscal year 1975.

The purpose of the enrolled enactment is to further amend section 111 of the Act to authorize for appropriations an additional \$5,300,000 for fiscal year 1976 and \$1,325,000 for the transition period July 1 through September 30, 1976. Section 3 of the bill would amend section 204 of the Act to extend the authorization for appropriations to monitor and conduct research regarding the effects of dumping material into ocean, coastal and Great Lakes waters, the long range effects of pollution, overfishing and man-induced changes of ocean ecosystems. Appropriations for these purposes would not exceed \$1,500,000 for the transition period July 1 through September 30, 1976. Furthermore, section 304 of the Act

would be amended to extend appropriations for acquisition, development and operation of the marine sanctuaries designated under title III of the Act. Appropriations for this purpose would not exceed \$6,200,000 for fiscal year 1976 and \$1,500,000 for the transition period July 1 through September 30, 1976.

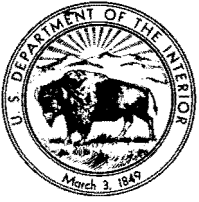
If approved the enrolled enactment would enable the Environmental Protection Agency to continue the ocean dumping programs established under title I of the Act, and it would enable the Department of Commerce to carry out its program for the establishment of marine sanctuaries under title III of the Act.

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

Sincerely,

A handwritten signature in cursive script, reading "Norman R. Augustine".

Norman R. Augustine
Acting Secretary of the Army



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

JUL 17 1975

Dear Mr. Lynn:

This responds to your request for our views on the enrolled bill H.R. 5710, "To amend the Marine Protection, Research, and Sanctuaries Act of 1972 to authorize appropriations to carry out the provisions of such Act for fiscal year 1976 and for the transition period following such fiscal year, and for other purposes."

We have no objection to Presidential approval of enrolled bill H.R. 5710, but we defer in our views to the Department of Commerce and to the Environmental Protection Agency.

In 1972, the Congress enacted the Marine Protection, Research and Sanctuaries Act of 1972 (Public Law 92-532, 33 U.S.C. 1420), popularly known as the Ocean Dumping Act.

Title I of that Act gives to the Administrator of the Environmental Protection Agency the right to regulate the dumping of all types of material into the ocean waters--except for dredged material, which is regulated by the Corps of Engineers under EPA standards where applicable--and the power to prevent or strictly limit the dumping into the ocean waters of any material which would adversely affect human health, welfare, the marine environment, ecological systems, or economic potentialities.

The authorization for funding under title I of the Act expires June 30, 1975. Section 1 of the bill would extend title I of the Act until September 30, 1976, and would authorize to be appropriated an amount not to exceed \$5,300,000 for fiscal year 1976 and \$1,325,000 for the transition period from July 1, 1976 through September 30, 1976.

Title II of the Act directs the Secretary of Commerce to carry out comprehensive and continuing programs of research on both the short range and long range effects of the dumping of waste materials into our ocean waters and the waters of the Great Lakes.

Section 2, of the enrolled bill amends section 202(c) of title II of the Ocean Dumping Act by substituting March for January as the time each year when the Secretary of Commerce shall make annual reports to the Congress on the result of his activities pursuant to section 202 of the Act during the previous fiscal year.



Save Energy and You Serve America!

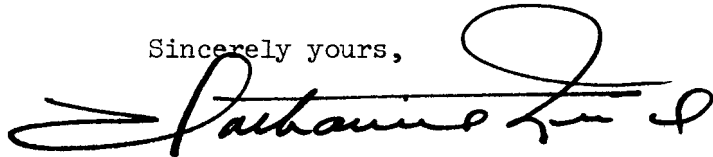
The authorization for funding under title II of the Act expires June 30, 1976. Section 3 of the bill would extend title II of the Act until September 30, 1976, and would authorize to be appropriated during the transition period an amount not to exceed \$1,500,000.

Title III of the Act authorizes the Secretary of Commerce to designate certain areas in our ocean waters and the waters of the Great Lakes as marine sanctuaries which are deemed necessary for the preservation or restoration of such areas for their conservation, recreational, ecological, or esthetic values.

The authorization for funding under title III of the Act expires June 30, 1975. Section 4 of the bill would extend title III of the Act until September 30, 1976, and would authorize to be appropriated an amount not to exceed \$6,200,000 for fiscal year 1976 and \$1,550,000 for the transition period from July 1, 1976, through September 30, 1976.

If signed into law, enrolled bill H.R. 5710 would enable the Environmental Protection Agency to continue the ocean dumping program established under title I of the Ocean Dumping Act, and it would also enable the Department of Commerce to carry out research on the effects of ocean disposal under title II of the Act, and to continue its program for the establishment of marine sanctuaries under title III. Accordingly, we defer in our views to these two agencies charged with the responsibility for administering the provisions of the Act.

Sincerely yours,



Assistant Secretary of the Interior

Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C. 20503

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: July 21

Time: 700pm

FOR ACTION: ~~Mike Duval~~
Paul Leach
Tod Hullin
NSC/S

Glen Schleede

cc (for information): Jim Cavanaugh
Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date: July 22

Time: 400pm

SUBJECT:

H.R. 5710 - 15 month extension of Marine Protection, Research and Sanctuaries Act

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

Refer to Hullin & Schleede

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: July 21

Time: 700pm

FOR ACTION: Mike Duval
Paul Leach
Tod Hullin *228*
NSC/S

cc.(for information): Jim Cavanaugh
Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date: July 22

Time: 400pm

SUBJECT:

H.R. 5710 - 15 month extension of Marine Protection, Research and Sanctuaries Act

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

no objection
JS



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a

THE WHITE HOUSE
WASHINGTON

July 22, 1975

MEMORANDUM FOR: JIM CAVANAUGH
FROM: MAX L. FRIEDERSDORF *ml.f.*
SUBJECT: H.R. 5710 - 15 month extension of Marine
Protection, Research and Sanctuaries Act

The Office of Legislative Affairs concurs with the agencies
that the subject bill be signed.

Attachments

**MARINE PROTECTION, RESEARCH, AND SANCTUARIES
ACT AUTHORIZATION.**

MAY 15, 1975.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mrs. SULLIVAN, from the Committee on Merchant Marine and Fisheries, submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany H.R. 5710]

The Committee on Merchant Marine and Fisheries, to whom was referred the bill (H.R. 5710) to authorize appropriations for fiscal year 1976 for the purpose of carrying out titles I and III of the Marine Protection Research, and Sanctuaries Act of 1972, as amended, 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 section 111 of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended (33 U.S.C. 1420), is amended by striking out "an not to exceed \$5,500,000 for fiscal years 1974 and 1975," and inserting in lieu thereof the following: "not to exceed \$5,500,000 for each of the fiscal years 1974 and 1975, not to exceed \$5,300,000 for fiscal year 1976, and not to exceed \$1,325,000 for the transition period (July 1 through September 30, 1976)."

Sec. 2. Section 202(c) of the Marine Protection Research and Sanctuaries Act of 1972 (33 U.S.C. 1442(c)) is amended by striking out "January" and inserting in lieu thereof "March".

Sec. 3. Section 204 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1444) is amended by adding at the end thereof the following new sentence: "There are authorized to be appropriated not to exceed \$1,500,000 for the transition period (July 1 through September 30, 1976)."

Sec. 4. Section 304 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1434) is amended to read as follows:

"Sec. 304. There are authorized to be appropriated not to exceed \$10,000,000 for each of the fiscal years 1973, 1974, and 1975, not to exceed \$6,200,000 for fiscal year 1976, and not to exceed \$1,550,000 for the transition period (July 1 through September 30, 1976) to carry out the provisions of this title, including the

acquisition, development, and operation of marine sanctuaries designated under this title."

Amend the title so as to read :

A bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972 to authorize appropriations to carry out the provisions of such Act for fiscal year 1976 and for the transition period following such fiscal year, and for other purposes.

PURPOSE OF THE LEGISLATION

The purpose of H.R. 5710 is to amend the Marine Protection, Research, and Sanctuaries Act of 1972 to authorize for fiscal year 1976 and for the transition period between fiscal years 1976 and 1977, the necessary funding under titles I, II, and III of the Act.

LEGISLATIVE BACKGROUND FOR THE LEGISLATION

H.R. 5710 was introduced on April 8, 1975, by Mrs. Sullivan, and co-sponsored by Mr. Murphy of New York, Mr. Leggett, and Mr. Forsythe. H.R. 6282 was introduced on April 22, 1975, as a result of Executive Communication No. 839 from the Administrator of the U.S. Environmental Protection Agency. H.R. 6282 was also sponsored by Mrs. Sullivan, and co-sponsored by Mr. Murphy of New York, Mr. Leggett, and Mr. Forsythe.

The first of these bills, H.R. 5710, extended appropriations authorizations under title I and title III of the Marine Protection, Research and Sanctuaries Act of 1972 (Public Law 92-532). The bill authorized to be appropriated for fiscal year 1976 only the sum of \$1.5 million to carry out the purpose of title I and the sum of \$10 million to carry out the purposes of title III.

On the other hand, H.R. 6282, which was introduced as a result of an Executive Communication from EPA, extended the life of title I of the Act for a 2-year period covering fiscal years 1976 and 1977. The sums authorized to be appropriated were proposed to be \$1.26 million for fiscal year 1976 and \$1.4 million for fiscal year 1977.

The Subcommittees on Oceanography and Fisheries and Wildlife Conservation and the Environment held joint hearings on these bills on April 24 and April 25, 1975. All of the witnesses appearing before the Subcommittees were in strong support of continuing the authorizations for both titles of the Act.

During the course of the hearings, the U.S. Coast Guard and the U.S. Army Corps of Engineers supported the extension of funding for titles I and III, but they deferred to the views of the Environmental Protection Agency and the National Oceanic and Atmospheric Administration respectively. It was felt that EPA and NOAA had the primary responsibility for these titles.

After giving careful consideration to the testimony presented at the hearings, the Subcommittees ordered H.R. 5710 reported to the full Committee with amendments. H.R. 5710 was chosen in lieu of H.R. 6282 so as to provide for a one-year authorization for title I and title III, including the transition period for all three titles. H.R. 5710 was taken up in full Committee on May 7, 1975 and it was unanimously ordered reported to the House, with amendments, by voice vote. The

amendments are explained in detail under the General Discussion section of this report.

LEGISLATIVE HISTORY

The President directed the Council on Environmental Quality to make a study of ocean disposal of waste materials in 1970. Results of that study, in the form of a published report entitled Ocean Dumping—A National Policy, were presented to the President in October of that year. The Council's report acted as the basis for the Administration's proposal, which resulted in Public Law 92-532 (Marine Protection, Research and Sanctuaries Act of 1972). The Public Law was originally reported out of the Committee on Merchant Marine and Fisheries in the form of H.R. 9727 during the first session of the 92d Congress. Basically, this legislation established the Council's report as national policy.

While Congress was developing this legislation, the Administration took action to secure an international agreement covering identical subject matter. The Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter resulted from the executive branch's efforts. Ratified by the United States, the Convention's provisions were incorporated into Public Law 93-254, enacted March 27, 1974. Certain provisions of this amending legislation became effective immediately upon enactment; other provisions will not follow suit until a minimum of 15 countries have ratified the treaty. As of this report, only 11 ratifications have been accomplished.

The Act, as amended, establishes administrative control over the dumping of certain materials into ocean waters within any area of the United States or its territories. In addition, the Act controls any dumping of materials originating outside of the United States if such dumping occurs within any area under the jurisdiction or control of the United States, or if the transportation of such materials is undertaken by Federal departments and agencies, or on U.S.-flag vessels.

Title III of this Act provides authority to the Secretary of Commerce to designate areas of ocean and coastal waters as marine sanctuaries. These marine sanctuaries would be established for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or aesthetic values.

GENERAL DISCUSSION

When the Marine Protection, Research, and Sanctuaries Act of 1972 was enacted into law, the Congress made a national commitment to protect ocean waters from the unregulated disposal of wastes and toxic material. Prior to the passage of this Act, dumping of materials into the marine environment was completely unregulated, despite existing knowledge that many disposals had an adverse effect on the oceans and adjacent or connecting waters.

The Act charged the Environmental Protection Agency and the U.S. Army Corps of Engineers with responsibility for the evaluation and issuance of permits for ocean dumping. The U.S. Coast Guard was directed to maintain surveillance of dumping practices, assuring compliance with permit regulations. Because of the obvious absence of

scientific knowledge relating to the effects on the marine environment surrounding the disposal sites, the Act directed the National Oceanic and Atmospheric Administration to conduct studies of present and projected ocean dumping areas.

The Secretary of Commerce delegated authority for marine sanctuary program evaluation to the National Oceanic and Atmospheric Administration. NOAA has developed the basis for implementing and managing this program, and the Nation's first marine sanctuary has been established over the site of the U.S.S. *Monitor* wreckage. The marine sanctuary title of the Act is a powerful tool for conservation and protection of our country's more valuable marine areas. There is a clear need to continue funding of this program now that all of the implementing regulations are in force.

Oversight hearings were held during May of 1974 by the Subcommittees on Oceanography and Fisheries and Wildlife Conservation and the Environment. These hearings evaluated the effectiveness of the Act's administration. It was determined by the Subcommittees that the responsible agencies should be more closely monitored to assure that the objectives mandated by Congress were, in fact, accomplished.

During the authorization hearings held on 24 and 25 April, 1975, testimony was received from the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, U.S. Army Corps of Engineers, U.S. Coast Guard, National Wildlife Federation, and the various State and local officials. The Coast Guard and the Corps of Engineers maintained that funding to properly implement this Act was derived from within their own budgetary structure. Therefore, it was not necessary for these agencies to seek funding authorizations through title I. Because of the time constraint imposed this year on the reporting of authorizations out of committees, there was not sufficient time for the Subcommittees to adequately substantiate these contentions by the Coast Guard and the Corps. The Subcommittees intend to conduct an in-depth study of this budget process during further oversight hearings this session.

The Environmental Protection Agency's funding is obtained solely through title I. Their authorization request consisted of 1.26 million dollars this year as opposed to previous requests for 5.5 million. The Committee attempted to learn the reasoning behind such a decreased request from EPA, but the agency could not provide a reasonable explanation. In the testimony presented, it was clear that there were many on-going and projected studies of a priority nature which could not be realistically funded within the requested authorization level. EPA and other witnesses indicated that a minimum of 11 site surveys and several baseline surveys were essential to evaluate existing dump sites. The stated minimum costs for such studies were not consistent with the level of funding requested by this agency. Therefore, it was determined by the Committee that the Environmental Protection Agency could not properly administer this vital national effort without funding at a minimum level of 5.3 million dollars for fiscal year 1976. Assuming that this authorization was approved and the funds appropriated, the Environmental Protection Agency could expend the funds to accomplish the following objectives:

Administrative costs expended by EPA for personnel, contracts, and interagency agreements (based upon fiscal year 1975 figures).....	\$1, 300, 000
Projected costs necessary to conduct 11 site surveys on the existing designated dumping areas.....	2, 200, 000
Projected costs necessary to conduct a minimum of 2 baseline surveys accomplished for the purpose of evaluating future dumping areas....	1, 600, 000
Additional personnel costs to augment the 26 positions presently programmed for ocean dumping within EPA.....	200, 000
Total authorization level necessary.....	5, 300, 000

The Committee, in determining the necessary level of funding for the continuation of title I, believes that the present program of scientific evaluation of dump sites and waste materials is not adequate. If our nation is to terminate all ocean dumping not clearly demonstrated to be safe, the dumping sites presently used must be properly studied to determine the effects such disposal is having on our marine ecosystem. Further research must be conducted to establish the basic criteria with which to evaluate disposal permit applications. Existing knowledge is not adequate to accomplish these objectives, and only by a continuing program of evaluation and research can our Nation ever expect to meet its obligation for the proper regulation of ocean dumping.

An extension of authorizations for only 1 year, including the transition period between fiscal year 1976 and fiscal year 1977, was adopted so as to give the Committee the opportunity to conduct further oversight hearings during this session of Congress. This was considered necessary by the Committee since the on-going programs to monitor and control ocean dumping activities must be analyzed often enough to assure that authorization levels are consistent with agency and department requirements.

NEED FOR THIS LEGISLATION

Prior to the enactment of this Act by Congress, the need for ocean dumping legislation was well stated in the summary findings of the Council on Environmental Quality:

Ocean-dumped wastes are heavily concentrated and contain materials that have a number of adverse affects. Many are toxic to human and marine life, deplete oxygen necessary to maintain the marine ecosystem, reduce populations of fish and other economic resources, and damage esthetic values. In some areas, the environmental conditions created by ocean disposal of wastes are serious.

The Council study indicates that the volume of waste materials dumped in the ocean is growing rapidly. Because the capacity of land-based waste disposal sites is becoming exhausted in some coastal cities, communities are looking to the ocean as a dumping ground for their wastes. Faced with higher water quality standards, industries may also look to the ocean for disposal. The result could be a massive increase in the already growing level of ocean dumping. If this occurs, environmental deterioration will become widespread. . . .

The Council's findings are as accurate now as they were in 1970. The Marine Protection, Research, and Sanctuaries Act is presently in its

third year and yet the total volume of ocean disposal has steadily increased. We have been successful in preventing disposal of highly toxic and other dangerous pollutants, but our Nation is still faced with the enormous task of regulating dumping of millions of tons of potentially toxic wastes annually. The estimated dumping total for 1973 was increased more than 40 percent over the \$2 million ton figure of 5 years earlier.

It is recognized by this Committee that the waste assimilative capacity of the oceans is enormous. The question remains as to which of these wastes can be safely accepted into the marine environment. The answers to this question lie in continuous and thorough biological and physical oceanographic research. The Committee is providing what it believes to be a proper level of funding necessary to carry out the provisions of the Act.

The Congress should not attempt to envision the end without considering the means. Since the Congress envisioned that unsafe ocean dumping would cease in the future, it has the responsibility to provide funds for conducting necessary studies to stop this devastation of our marine environment. The polluted Great Lakes stand as a tragic example of what can occur to our natural resources without adequate planning. This Committee does not choose to be as careless with our oceans.

ESTIMATED COST OF THE LEGISLATION

Pursuant to Clause 7 of Rule XIII of the Rules of the House of Representatives, the Committee estimates that the cost of the legislation will be as follows:

(In thousands of dollars)

	Fiscal year 1976	Transition period, July 1 to Sept. 30
Title I.....	\$5,300	\$1,325
Title II.....	10	1,500
Title III.....	6,280	1,650
Total.....	11,500	4,375
Grand total.....		15,875

¹ Authorized pursuant to present law.

COMPLIANCE WITH CLAUSE 2(1)(3) OF RULE XI

With respect to the requirements of Clause 2(1)(3) of House Rule XI of the Rules of the House of Representatives—

(A) No oversight hearings were held on the administration of this Act during this session of Congress. By limiting these authorizations to 1 year, the Committee intends to utilize the remaining time in this session to conduct the necessary oversight hearings prior to the next authorization hearings.

(B) Section 308(a) of the Congressional Budget Act of 1974 is not presently in effect. Therefore, no statement is furnished.

(C) No estimate and comparison of costs has been received by the Committee from the Director of the Congressional Budget

Office, pursuant to section 403 of the Congressional Budget Act of 1974.

(D) The Committee on Government Operations has sent no report to the Committee on Merchant Marine and Fisheries pursuant to Clause 2(b)(2) of Rule X.

INFLATIONARY IMPACT STATEMENT

Pursuant to Clause 2(1)(4) of Rule XI, Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 5710 would have no significant inflationary impact on the prices and costs in the national economy.

This legislative proposal provided for an overall decrease in proposed expenditures when compared to previous authorization requests. There has been a contraction of support for basic scientific research by various agencies of the Federal Government. This has resulted in a less than full utilization of our Nation's scientists. Therefore, the funds provided by this bill would not contribute to competitive pressures for manpower and materials.

The objectives of the research proposed in this legislation could result in the development of new technology which, subsequently, could contribute to new methods of manufacturing and new service functions. Because this authorization does not change any present trend in spending, the Committee does not feel that there would be any significant inflation factor involved.

DEPARTMENTAL REPORTS

Views were requested from the Department of Commerce, the Department of Transportation, the Environmental Protection Agency, the Council on Environmental Quality, and the Department of Defense. The Departments of Commerce and Defense were the only agencies to respond. Those reports follow herewith:

GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE,
Washington, D.C., April 23, 1975.

Hon. LEONOR K. SULLIVAN,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.

DEAR MADAM CHAIRMAN: This is in response to your request for the views of this Department with respect to H.R. 5710, a bill "To authorize appropriations for fiscal year 1976 for the purpose of carrying out titles I and III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended."

The first section of the bill would amend Section 111 of the Act to extend the authorization of funds through fiscal year 1976 in an amount not to exceed \$1,500,000.

Section 2 of the bill would amend Section 304 of the Act to extend Title III for one year through fiscal year 1976 at the existing level of \$10 million per fiscal year.

Title I outlines the regulatory provisions of the Act through a system of permits, criteria, and dumpsite designations. While these regulatory

functions have been assigned to the Environmental Protection Agency (EPA), the Corps of Engineers, and the Coast Guard, the Department of Commerce through the National Oceanic and Atmospheric Administration (NOAA) actively works with these agencies by providing advice and comments in the formulation of regulations; by commenting on ocean dumping permit requests within the context of the Fish and Wildlife Coordination Act, as amended; and by providing environmental assessments of existing or proposed dumpsites through the use of our scientific and technical expertise. Although NOAA plays only a supportive role with respect to Title I, we do feel that the Marine Protection, Research, and Sanctuaries Act of 1972 is a vital law for enhancing the quality of the marine environment off our shores. Accordingly, NOAA supports an extension of Title I of the Act. However, we defer to the recommendations of the regulatory agencies administering Title I as to the period for extension and the funding requirements.

NOAA also endorses an authorization extension for Title III. Working under Title III, NOAA has produced a comprehensive study to develop broad conceptual approaches to implement the marine sanctuary program. Guidelines for the program were published in the Federal Register of June 27, 1974, setting forth the overall policies, concepts, and procedures under which the marine sanctuaries provisions are to be administered. Sanctuaries may be established according to these guidelines for five different general purposes: habitat protection; species conservation; research; recreational and esthetic value; and unique features. The nomination of the U.S.S. *Monitor* wreck site off North Carolina resulted in the designation of the Nation's first marine sanctuary on January 30, 1975. Several other requests are now under consideration. These nominations are being processed by existing capabilities and resources within NOAA, other Federal agencies, and States. However, we believe that appropriated resources are going to be required for Title III beyond the one year extension contemplated under H.R. 5710. Accordingly, it is recommended that Title III appropriation authority be extended through fiscal year 1977 at \$1,250,000 for the transition period and \$10,000,000 for fiscal year 1977.

In addition, although H.R. 5710 does not address Title II of the Act relating to "Comprehensive Research on Ocean Dumping", NOAA believes that this title should be extended through fiscal year 1977. An interagency agreement has recently been concluded between NOAA and EPA concerning baseline surveys and evaluations of ocean disposal sites. In order that these baseline surveys and evaluations may be carried out, NOAA recommends the extension of authorization for Section 204 of the Act through fiscal year 1977. The level is still under review in the Executive branch in connection with preparation of the fiscal 1977 budget.

We have been advised by the Office of Management and Budget that there is no objection to the submission of this report to the Congress from the standpoint of the Administration's program.

Sincerely,

BERNARD V. PARRETTE,
Deputy General Counsel.

DEPARTMENT OF THE ARMY,
Washington, D.C., May 6, 1975.

HON. LEONOR K. SULLIVAN,
Chairwoman, Committee on Merchant Marine and Fisheries, House of Representatives.

DEAR MADAM CHAIRWOMAN: This is in reply to your request to the Secretary of Defense for the views of the Department of Defense on H.R. 5710, 94th Congress, a bill "To authorize appropriations for fiscal year 1976 for the purpose of carrying out titles I and III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended." The Department of the Army has been assigned responsibility for reporting the views of the Secretary of Defense on this bill.

Title I of the Marine Protection, Research, and Sanctuaries Act of 1972 (Public Law 92-532) provides for the Federal regulation of the transportation of material from the United States for dumping into ocean waters, and the dumping of material transported from outside the United States if the dumping occurs in ocean waters over which the United States has jurisdiction or exercises control in order to protect its territory or territorial sea. Section 111 of this Act authorizes appropriations for fiscal years 1973 and 1974 for the purposes of administering the ocean dumping programs established under this title. The Act of October 26, 1974 (Public Law 93-472) amended section 111 to extend its authorization for appropriations through fiscal year 1975.

The purpose of H.R. 5710 is to further amend section 111 of the Act to authorize for appropriations an additional \$1,500,000 for fiscal year 1976. In addition, section 2 of the bill would amend section 304 of title III of the Act, to extend the authorization for appropriations for acquisition, development, and operation of the marine sanctuaries designated under the provisions of this title, for one additional year.

If enacted, the bill would enable the Environmental Protection Agency to continue the ocean dumping programs established under title I of the Act, and it would also enable the Department of Commerce to carry out its program for the establishment of marine sanctuaries under title III of the Act. Accordingly, the Department of the Army, on behalf of the Department of Defense, defers to the views of these two agencies charged with the responsibility for administering the provisions of the Act.

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

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the Committee.

Sincerely,

HOWARD H. CALLAWAY,
Secretary of the Army.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, as amended, changes in existing law made by the

bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

THE MARINE PROTECTION, RESEARCH, AND SANCTUARIES
ACT OF 1972

(86 Stat. 1052, 33 U.S.C. 1420, 1442 (c), 1444, 16 U.S.C. 1434)

* * * * *

SEC. 111. There are hereby authorized to be appropriated not to exceed \$3,600,000 for fiscal year 1973, [and not to exceed \$5,500,000 for fiscal years 1974 and 1975.] *not to exceed \$5,580,000 for each of the fiscal years 1974 and 1975, not to exceed \$5,300,000 for fiscal year 1976, and not to exceed \$1,325,000 for the transition period (July 1 through September 30, 1976),* for the purposes and administration of this title, and for succeeding fiscal years only such sums as the Congress may authorize by law.

* * * * *

SEC. 202. * * *

(c) In [January] *March* of each year, the Secretary of Commerce shall report to the Congress on the results of activities undertaken by him pursuant to this section during the previous fiscal year.

* * * * *

SEC. 204. There are authorized to be appropriated for the first fiscal year after this Act is enacted and for the next two fiscal years thereafter such sums as may be necessary to carry out this title, but the sums appropriated for any such fiscal year may not exceed \$6,000,000. *There are authorized to be appropriated not to exceed \$1,500,000 for the transition period (July 1 through September 30, 1976).*

* * * * *

[SEC. 304. There are authorized to be appropriated for the fiscal year in which this Act is enacted and for the next two fiscal years thereafter such sums as may be necessary to carry out the provisions of this title, including sums for the costs of acquisition, development, and operation of marine sanctuaries designated under this title, but the sums appropriated for any such fiscal year shall not exceed \$10,000,000.]

Sec. 304. There are authorized to be appropriated not to exceed \$10,000,000 for each of the fiscal years 1973, 1974, and 1975, not to exceed \$6,200,000 for fiscal year 1976, and not to exceed \$1,550,000 for the transition period (July 1 through September 30, 1976) to carry out the provisions of this title, including the acquisition, development, and operation of marine sanctuaries designated under this title.

ADDITIONAL VIEWS ON H.R. 5710

While I am in general agreement with H.R. 5710, I have reservations about the manner in which the Environmental Protection Agency is administering the Marine Protection, Research, and Sanctuaries Act of 1972. I regret that these questions were not answered satisfactorily during joint Subcommittee hearings on this legislation last month.

Earlier this year I questioned whether EPA has properly complied with the statement of policy set forth in the Act, which sought to prevent, or at least strictly limit, the dumping into ocean waters of any materials which would adversely affect human health, welfare or the marine environment, ecological systems, or economic potentialities. It is questionable whether EPA has used previously authorized funds properly to promote statutory policy objectives. EPA may be proceeding toward a goal which is not compatible with the original marine protection legislation.

EPA has announced a policy allowing the continued dumping of sewage sludge in the Atlantic Ocean by the cities of New York and Philadelphia. This directly conflicts with policy statements made by former administrators of EPA before this and other committees of the Congress. The second annual report issued by EPA devotes far more space to the discussion of the establishment of guidelines which permit ocean dumping than it does in determining the manner in which EPA will seek to terminate ocean dumping which is inimical to the marine environment.

During the course of the Subcommittee hearings EPA witnesses made several statements which are inconsistent with the policy mandate expressed by Congress and with previous statements made by EPA officials. On April 24, 1975 an EPA official states:

Within the limits of existing statutory authority we feel that we must seek out and require the use of the most acceptable environmental alternatives for the disposal of waste residues for which additional treatment is not feasible or will not yield significant environmental benefits. . . . We feel that the ocean disposal of sewage sludge whether by dumping or by fallout can be permitted only on an interim basis until it is conclusively demonstrated that ocean disposal sewage sludge is the *most acceptable environmental alternative* available for ultimate disposal within the limitation of available technology. [Emphasis added.]

I contrast this statement with a statement made by former EPA Administrator William Ruckelshaus in testimony before Congressional Subcommittees in which he pledged that EPA would apply the proposed ocean dumping law to discontinue the ocean dumping of sewage sludge "as soon as possible" and to allow "no new sources of such

dumping." The question which must be addressed by this committee and by the Congress is whether or not we intend to prevent dumping into the ocean waters or whether we will allow it to continue if it is deemed to be "the most acceptable environmental alternative."

EPA is not adhering to the intent expressed by Congress. It is quite possible that its present administration of the Act may be in violation of existing law. It is my understanding that this Committee may hold extensive oversight hearings regarding the administration of the Marine Protection, Research, and Sanctuaries Act by EPA. It is my hope that such hearings can be scheduled quickly in order to clarify the murky status of this legislation's fate in the hands of EPA.

BOB BAUMAN.

Earlier this year I questioned whether EPA has properly complied with the statement of policy set forth in the Act, which sought to prevent or at least strictly limit the dumping into ocean waters of any materials which would adversely affect human health, welfare or the marine environment, ecological systems, or economic potentialities. It is unquestionable whether EPA has used previously authorized funds properly to promote statutory policy objectives. EPA may be proceeding toward a goal which is not compatible with the original marine protection legislation.

EPA has announced a policy allowing the continued dumping of sewage sludge in the Atlantic Ocean by the cities of New York and Philadelphia. This directly conflicts with policy statements made by former administrators of EPA before this and other committees of the Congress. The second annual report issued by EPA devotes far more space to the discussion of the establishment of guidelines which permit ocean dumping than it does in determining the manner in which EPA will seek to terminate ocean dumping which is injurious to the marine environment.

During the course of the Subcommittee hearings EPA witnesses made several statements which are inconsistent with the policy and data expressed by Congress and with previous statements made by EPA officials. On April 24, 1975 an EPA official stated:

Within the limits of existing statutory authority we feel that we must seek out and require the use of the most complete and environmentally beneficial for the disposal of waste... We feel that the field segment environmental benefits... We feel that the extent of sewage sludge whether by dumping or by landfill can be permitted only on a case-by-case basis and it is completely demonstrated that ocean disposal sewage sludge is the most desirable... wherever available for ultimate disposal within the limitation of available technology. [Emphasis added.]

I contrast this statement with a statement made by former EPA Administrator William Ruckelshaus in testimony before a Congressional Subcommittee in which he stated that EPA would apply the "best available technology" to determine the best dumping of sewage sludge "as soon as possible" and to allow "no new sources of such

MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT AUTHORIZATION

JULY 9 (Legal day JULY 7), 1975.—Ordered to be printed

Mr. HOLLINGS, from the Committee on Commerce,
submitted the following

REPORT

[To accompany H.R. 5710]

The Committee on Commerce, to which was referred the bill (H.R. 5710) to amend the Marine Protection, Research, and Sanctuaries Act of 1972 to authorize appropriations to carry the provisions of such Act for fiscal year 1976 and for the transition period following such fiscal year, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE LEGISLATION

The purpose of H.R. 5710 is to amend the Marine Protection, Research, and Sanctuaries Act of 1972 to authorize for, fiscal year 1976 and for the transition fiscal period ending September 30, 1976, appropriations for carrying out titles I, II, and III of the Act. The authorization levels would be slightly below those presently in the Act.

BACKGROUND AND NEED

In April 1970, the Council on Environmental Quality was directed by the President to make a study of disposal of waste materials in the oceans. In October 1970, the Council completed and published its report to the President. The report, which was entitled "Ocean Dumping—A National Policy", formed the basis for the Administration legislative proposal that became the Marine Protection, Research, and Sanctuaries Act of 1972 (Public Law 92-532). Public Law 92-

532, which was reported by the Committee on Commerce in the second session of the 92d Congress, enacted into law the basic recommendations of CEC's Report on Ocean Dumping.

During the period that Public Law 92-532 was being developed in the Congress, the Executive was taking action to achieve an international agreement covering the same subject matter. That initiative ultimately culminated in the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter. This Convention has been ratified by the United States and its provisions were incorporated into the basic act by Public Law 93-254, enacted March 22, 1974. Certain provisions of the amendatory legislation became effective immediately upon enactment. Other provisions will come into effect when the convention enters into force.

The Act, as amended, provides for a regulatory scheme to control all materials transported from the United States for the purpose of dumping the material into ocean waters. In addition, the Act controls the dumping of materials originating outside the United States, if such dumping takes place in ocean waters subject to the jurisdiction or control of the United States or if the transportation is undertaken by Federal departments and agencies or on U.S.-flag vessels.

The Marine Protection, Research, and Sanctuaries Act of 1972 was enacted into law on October 23, 1972, and became effective 6-months thereafter on April 23, 1973. In passing this legislation, the Congress made a national commitment for the protection of a part of the environment which had not previously been the subject of any protective regulatory activities. Rather than a reactive measure, the act anticipated national needs to protect ocean waters, which are so vital to the continued existence of mankind. Prior to the passage of the Act, some 200 dumping sites were in use for disposal of waste, materials at sea and only 10 of those sites had even been studied as to the potential impact of disposal on the ocean environment. There was therefore, a great dearth of knowledge regarding the effects of ocean dumping activities. More information and greater understanding of such effects needed to be acquired if the permit program for ocean waste disposal was to be managed rationally. The Act, therefore, imposes specific research responsibilities on the National Oceanic and Atmospheric Administration, in addition to the general permit responsibilities of the Environmental Protection Agency (EPA) and of the Army Corps of Engineers.

Title I of the act sets forth the ocean dumping permit program. The EPA is authorized to issue permits for the dumping of material at sea, except dredge spoil. Permits for the disposal of dredge spoil are issued by the Army Corps of Engineers pursuant to criteria established by the EPA. Dumping is not allowed if it "would unreasonably degrade or endanger human health, welfare or amenities, or the marine environment, ecological systems, or economic potentialities." In addition, dumping activity may be conditioned to designate the proper method of dumping, the location of the dump, and similar conditions. Enforcement of permit conditions is carried out by the U.S. Coast Guard as well as by the permitting agencies. H.R. 5710 authorizes appropriations for this title of up to \$5,300,000 per year.

Title II creates authority for a comprehensive research program regarding the effects of ocean dumping on the marine environment.

The Secretary of Commerce is designated to direct this program; the authorization level for title II is \$6 million.

Title III of the act provides authority to the Secretary of Commerce to designate areas of ocean and coastal waters as marine sanctuaries. These marine sanctuaries would be established for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or esthetic values. The first such sanctuary was established in waters surrounding the wreckage of the U.S.S. *Monitor*. \$10 million is annually authorized for marine sanctuaries.

The Committee conducted oversight with regard to the Act on May 20, 1975. H.R. 5710 was ordered favorably reported by the Committee on June 27.

SECTION-BY-SECTION ANALYSIS

1. Section 1 of H.R. 5710 amends section 111 of the Marine Protection, Research, and Sanctuaries Act to authorize appropriations of not to exceed \$5,300,000 for fiscal year 1976, and not to exceed \$1,325,000 for the transition fiscal period ending September 30, 1976, for the permit program under title I.

2. Section 2 amends section 202(c) of the act to set the month for filing of the Secretary of Commerce's annual report under title II as March instead of January.

3. Section 3 amends section 204 of the act to provide appropriation authority for the transition period from July 1, 1976, to September 30, 1976, for the administration of title II.

4. Section 4 amends section 304 of the act to authorize appropriations of not to exceed \$6,200,000 for fiscal year 1976 and \$1,550,000 for the transition period, to carry out the provisions of title III.

ESTIMATED COSTS

Pursuant to the requirements of section 252 of the Legislative Reorganization Act of 1970, the Committee estimates that the cost of the proposed legislation, if funded at maximum authorization, would be as follows:

	Fiscal year	
	1976	Transition quarter 1977
Title I.....	\$5,300,000	\$1,325,000
Title II.....	6,000,000	1,500,000
Title III.....	6,200,000	1,550,000

¹ Authorized under existing law and not subject to amendment by this bill.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italics*, existing law in which no changes are proposed is shown in *roman*):

THE MARINE PROTECTION, RESEARCH, AND SANCTUARIES
ACT OF 1972

(86 Stat. 1052, 33 U.S.C. 1420, 1442(c), 1444, 16 U.S.C. 1434)

* * * * *

SEC. 111. There are hereby authorized to be appropriated not to exceed \$3,600,000 for fiscal year 1973, [and not to exceed \$5,500,000 for fiscal years 1974 and 1975,] *not to exceed \$5,500,000 for each of the fiscal years 1974 and 1975, not to exceed \$5,300,000 for fiscal year 1976, and not to exceed \$1,325,000 for the transition period (July 1 through September 30, 1976),* for the purposes and administration of this title, and for succeeding fiscal years only such sums as the Congress may authorize by law.

* * * * *

SEC. 202. * * *

(c) In [January] *March* of each year, the Secretary of Commerce shall report to the Congress on the results of activities undertaken by him pursuant to this section during the previous fiscal year.

* * * * *

SEC. 204. There are authorized to be appropriated for the first fiscal year after this Act is enacted and for the next two fiscal years thereafter such sums as may be necessary to carry out this title, but the sums appropriated for any such fiscal year may not exceed \$6,000,000. *There are authorized to be appropriated not to exceed \$1,500,000 for the transition period (July 1 through September 30, 1976).*

* * * * *

[SEC. 304. There are authorized to be appropriated for the fiscal year in which this Act is enacted and for the next two fiscal years, thereafter such sums as may be necessary to carry out the provision of this title, including sums for the costs of acquisition, development, and operation of marine sanctuaries designated under this title, but the sums appropriated for any such fiscal year shall not exceed \$10,000,000.]

SEC 304. *There are authorized to be appropriated not to exceed \$10,000,000 for each of the fiscal years 1973, 1974, and 1975, not to exceed \$6,200,000 for fiscal year 1976, and not to exceed \$1,550,000 for the transition period (July 1 through September 30, 1976) to carry out the provisions of this title, including the acquisition, development, and operation of marine sanctuaries designated under this title.*

AGENCY COMMENTS

No agency comments on H.R. 5710 were filed with the Committee.



Ninety-fourth Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Tuesday, the fourteenth day of January,
one thousand nine hundred and seventy-five*

An Act

To amend the Marine Protection, Research, and Sanctuaries Act of 1972 to authorize appropriations to carry out the provisions of such Act for fiscal year 1976 and for the transition period following such fiscal year, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 111 of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended (33 U.S.C. 1420), is amended by striking out "and not to exceed \$5,500,000 for fiscal years 1974 and 1975," and inserting in lieu thereof the following: "not to exceed \$5,500,000 for each of the fiscal years 1974 and 1975, not to exceed \$5,300,000 for fiscal year 1976, and not to exceed \$1,325,000 for the transition period (July 1 through September 30, 1976)."

SEC. 2. Section 202(c) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1442(c)) is amended by striking out "January" and inserting in lieu thereof "March".

SEC. 3. Section 204 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1444) is amended by adding at the end thereof the following new sentence: "There are authorized to be appropriated not to exceed \$1,500,000 for the transition period (July 1 through September 30, 1976)."

SEC. 4. Section 304 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1434) is amended to read as follows:

"SEC. 304. There are authorized to be appropriated not to exceed ~~\$10,000,000~~ for each of the fiscal years 1973, 1974, and 1975, not to exceed \$6,200,000 for fiscal year 1976, and not to exceed \$1,550,000 for the transition period (July 1 through September 30, 1976) to carry out the provisions of this title, including the acquisition, development, and operation of marine sanctuaries designated under this title."

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

July 15, 1975

Dear Mr. Director:

The following bills were received at the White House on July 15th:

H.R. 5709

H.R. 5710

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

The Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C.