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APPROVED  
JUN 30 1976

86/30/76

THE WHITE HOUSE  
WASHINGTON

ACTION

June 29, 1976

Last Day: July 2

Posted  
6/30  
Jo Arachis  
6/30

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON

SUBJECT:

S. 3147 - Appropriations Authorizations,  
Marine Protection, Research and  
Sanctuaries Act

Attached for your consideration is S. 3147, sponsored by  
Senators Hollings, Magnuson and Pearson.

The enrolled bill authorizes appropriations totalling \$10.9  
million to carry out the provisions of the Marine  
Protection, Research and Sanctuaries Act of 1972 for  
fiscal year 1977.

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

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

RECOMMENDATION

That you sign S. 3147 at Tab B.





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

JUN 26 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 3147 - Appropriations authorizations, Marine Protection, Research and Sanctuaries Act  
Sponsors - Sen. Hollings (D) South Carolina,  
Sen. Magnuson (D) Washington, and Sen. Pearson  
(R) Kansas

Last Day for Action

July 2, 1976 - Friday

Purpose

Authorizes appropriations totalling \$10.9 million to carry out the provisions of the Marine Protection, Research and Sanctuaries Act of 1972 for fiscal year 1977.

Agency Recommendations

|                                  |                       |
|----------------------------------|-----------------------|
| Office of Management and Budget  | Approval              |
| Environmental Protection Agency  | Approval              |
| Department of Commerce           | Approval              |
| Council on Environmental Quality | Approval (Informally) |
| Department of the Army           | No objection          |
| Department of Transportation     | No objection          |

Discussion

The Marine Protection, Research and Sanctuaries Act of 1972 (1) establishes a regulatory scheme to control the dumping of wastes and dredged materials into coastal waters of the United States, (2) requires the maintenance of a research

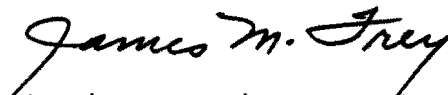
program to develop information on the effects of disposed materials upon the ocean environment, and (3) authorizes the protective designation of marine sanctuaries. Appropriations for these activities are currently authorized through the 1976 transitional quarter.

S. 3147 would authorize appropriations in fiscal year 1977 of:

- \$4.8 million for administration of the ocean dumping permit program.
- \$5.6 million for research on the effects of ocean dumping.
- \$500,000 for the ocean sanctuaries program.

The enrolled bill would require the Secretaries of the Army and Transportation, in addition to the Administrator of the Environmental Protection Agency, to submit annual reports on their activities under the Act. Army has responsibilities with respect to the dumping of dredged materials, and the Coast Guard monitors the program.

The amounts provided in S. 3147 for the dumping permit and sanctuary programs conform to those recommended for these purposes in your 1977 budget. However, the \$5.6 million that would be authorized for research compares with the \$1.07 million recommended for this purpose in the 1977 budget. Funding at the level that would be authorized for the research program is strongly endorsed in the report of the Senate Commerce Committee which is critical of the previous absence of funding for a research program it believes to be essential to future decisions on the continuation of ocean dumping, the amounts thereof, and alternatives thereto. It should be noted that the House version of the Commerce appropriations bill provides no funding for the research program; the Senate version restores the amount requested by the Administration.

  
Assistant Director for  
Legislative Reference

Enclosures

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: June 28

Time: 945am

FOR ACTION: George Humphreys *GH* cc (for information): Jack Marsh  
Max Friedersdorf *MF* Jim Cavanaugh  
Ken Lazarus *KL* Ed Schmults  
Judy Hope *JH*

FROM THE STAFF SECRETARY

---

DUE: Date: June 28

Time: 500pm

---

SUBJECT:

S. 3147 - Appropriations authorizations, 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,

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

---

K. R. COLE, JR.  
For the President



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JUN 23 1976

OFFICE OF THE  
ADMINISTRATOR

Dear Mr. Lynn:

This is in response to your request of June 16, 1976, for the Environmental Protection Agency's views and comments on S. 3147, an enrolled bill. The purpose of this Act is "To extend the Marine Protection, Research, and Sanctuaries Act for two years."

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.

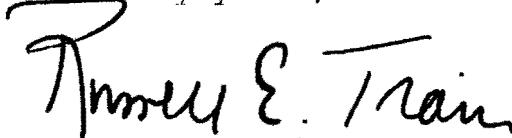
The Marine Protection, Research and Sanctuaries Act of 1972 significantly augments this country's ability to understand and to regulate pollution in the marine environment. Accordingly, it is necessary to provide for the authorization of appropriations to enable us to continue our efforts under the Act. S. 3147 provides for an authorization of not to exceed \$4.8 million for fiscal year 1977 and is the amount requested by the Administration.

S. 3147 also provides authorizations for appropriations for Titles II and III. We defer to the Department of Commerce for comment as to these extensions of authority.

Finally, S. 3147 would amend section 112 of the Act to require the submission of annual reports on the administration of Title I by "the Secretary, and the Secretary of the department in which the Coast Guard is operating..." in addition to the report now required of the Administrator of the Environmental Protection Agency.

We support the enrolled bill S. 3147, and recommend its presentation to the President for signature.

Sincerely yours,

A handwritten signature in cursive script that reads "Russell E. Train". The signature is written in dark ink and is positioned above the printed name and title.

Russell E. Train  
Administrator

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



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

**JUN 22 1976**

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 S. 3147, an enrolled enactment

"To extend the Marine Protection, Research and Sanctuaries Act for two years."

S. 3147 would extend the authorization for appropriations through the end of fiscal year 1977 for all three titles of the Marine Protection, Research, and Sanctuaries Act of 1972. It would authorize to be appropriated for fiscal year 1977:

|                        |                 |
|------------------------|-----------------|
| Title I, Section 111   | - \$4.8 million |
| Title II, Section 204  | - \$5.6 million |
| Title III, Section 304 | - \$0.5 million |

In addition, S. 3147 would require the Environmental Protection Agency (EPA), the Secretary of the Army, and the United States Coast Guard to make annual reports by March 1 of each year on their respective activities in carrying out Title I of the Act.

Title I (regulation of ocean dumping) is administered by EPA and the Secretary of the Army. The administration of Titles II (ocean dumping research) and III (marine sanctuaries) is the responsibility of the Department of Commerce.

The Department of Commerce submitted draft legislation to the Congress for an authorization for appropriations of not to exceed \$0.5 million for Title III for fiscal years 1977 and 1978.

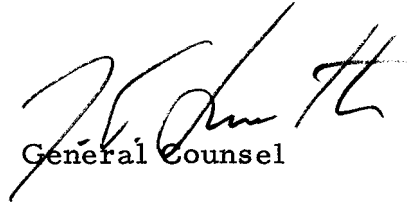
This Department recommends approval by the President of S. 3147.





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,



General Counsel



DEPARTMENT OF THE ARMY  
WASHINGTON, D.C. 20310

22 JUN 1976

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 S. 3147, 94th Congress, "To extend the Marine Protection, Research, and Sanctuaries Act for two years."

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

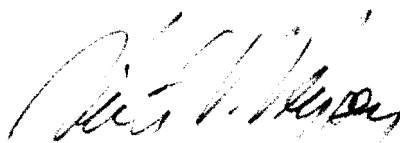
Title I of the Marine Protection, Research, and Sanctuaries Act of 1972 (Public Law 92-532) establishes an ocean dumping permit program. The Environmental Protection Agency is authorized to issue permits, after establishing criteria, for dumping of materials into the oceans, except for dredged materials. The Army Corps of Engineers is authorized to issue permits for dredged materials based upon criteria established by the Environmental Protection Agency. Title II of the Act directs the Secretary of Commerce to initiate and maintain a comprehensive research program regarding the effects of ocean dumping on the marine environment. Title III of the Act authorizes the Secretary of Commerce to designate certain areas of ocean waters as marine sanctuaries for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or esthetic values.

The purpose of the enrolled enactment is to extend authorizations of funds to carry out provisions for title I, II, and III of the Act for fiscal year 1977. Sums not to exceed \$4,800,000 are authorized for title I, \$5,600,000 for title II, and \$500,000 for title III. In addition, the enrolled enactment requires the Army Corps of Engineers, and the Coast Guard (which is required under the Act to monitor ocean dumping operations) to prepare separate annual reports regarding their administration of provisions of the Act for submission to the Congress.

If approved, the enrolled enactment would enable the respective governmental agencies to continue their responsibilities under the Act and would assist Congress in its oversight of the implementation 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, appearing to read "Victor V. Veysey".

Victor V. Veysey  
Assistant Secretary of the Army  
(Civil Works)



OFFICE OF THE SECRETARY OF TRANSPORTATION  
WASHINGTON, D.C. 20590

JUN 21 1976

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 S. 3147, an enrolled bill

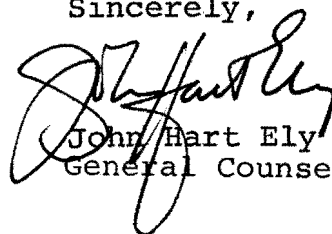
"To extend the Marine Protection, Research, and Sanctuaries Act for two years."

The enrolled bill authorizes funds to be appropriated through fiscal year 1977, for the administration of the Marine Protection, Research, and Sanctuaries Act of 1972. It also requires the Administrator of the Environmental Protection Agency, the Secretary of the Army, and the Secretary of the department in which the Coast Guard is operating to prepare, individually, annual reports concerning the administration of the provisions of the Marine Protection, Research, and Sanctuaries Act and submit their reports to Congress on or before March 1 of each year.

The Administrator of the Environmental Protection Agency is the sole official presently required by law to prepare the annual report. The Coast Guard has provided pertinent information in the formulation of these reports. While the filing of individual reports will create an additional administrative burden, we believe that this new requirement is not so significant as to warrant opposition to the bill.

Therefore, this Department has no objection to the President's signing the enrolled bill.

Sincerely,

  
John Hart Ely  
General Counsel

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: June 28

Time: 945am

FOR ACTION: George Humphreys  
Max Friedersdorf  
Ken Lazarus  
Judy Hope

cc (for information): Jack Marsh  
Jim Cavanaugh  
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: June 28

Time: 500pm

SUBJECT:

S. 3147 - Appropriations authorizations, 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,

*OK*  
*[Signature]*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon  
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: June 28

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FOR ACTION: George Humphreys  
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ACTION REQUESTED:

For Necessary Action

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Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston,

No objection -- Ken Lazarus 6/28/76

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please

James M. Cannon  
For the President

THE WHITE HOUSE

WASHINGTON

June 29, 1976

MEMORANDUM FOR: JIM CAVANAUGH  
FROM: MAX L. FRIEDERSDORF *M. G.*  
SUBJECT: S. 3147 - Appropriations authorizations, Marine  
Protection, Research and Sanctuaries Act

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

Attachments

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO. 1

Date: June 28

Time: 945am

FOR ACTION: George Humphreys  
Max Friedersdorf  
Ken Lazarus  
Judy Hope

cc (for information): Jack Marsh  
Jim Cavanaugh  
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: June 28

Time: 500pm

SUBJECT:

S. 3147 - Appropriations authorizations, Marine Protection,  
Research and Sanctuaries Act

ACTION REQUESTED:

For Necessary Action

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Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston,

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If you have any questions or if you anticipate a delay in submitting the required material, please

James M. Cannon  
For the President





EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET

DATE: 6-29-76

TO: Bob Linder

FROM: Jim Frey

Attached is the CEQ views letter on S. 3147 and S. 3122, for inclusion with the enrolled bill files. Thanks.

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

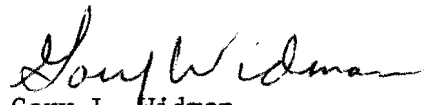
June 23, 1976

MEMORANDUM FOR JAMES M. FREY  
ASSISTANT DIRECTOR FOR LEGISLATIVE REFERENCE  
OFFICE OF MANAGEMENT AND BUDGET

ATT: Ms. Ramsey

SUBJECT: S. 3147 - Enrolled, To extend the Marine Protection,  
Research, and Sanctuaries Act for two years.  
S. 3122 - Enrolled, To extend the authorization for  
appropriations to carry out the Endangered Species  
Act of 1973.

The Council on Environmental Quality recommends that the  
President sign the two subject bills into law.

  
Gary L. Widman  
General Counsel

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

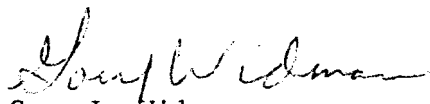
June 23, 1976

MEMORANDUM FOR JAMES M. FREY  
ASSISTANT DIRECTOR FOR LEGISLATIVE REFERENCE  
OFFICE OF MANAGEMENT AND BUDGET

ATT: Ms. Ramsey

SUBJECT: S. 3147 - Enrolled, To extend the Marine Protection,  
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S. 3122 - Enrolled, To extend the authorization for  
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President sign the two subject bills into law.

  
Gary L. Widman  
General Counsel

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

To: J. Cannon  
6-26-76  
9:30 A.M.

JUN 26 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 3147 - Appropriations authorizations, Marine Protection, Research and Sanctuaries Act  
Sponsors - Sen. Hollings (D) South Carolina, Sen. Magnuson (D) Washington, and Sen. Pearson (R) Kansas

Last Day for Action

July 2, 1976 - Friday

Purpose

Authorizes appropriations totalling \$10.9 million to carry out the provisions of the Marine Protection, Research and Sanctuaries Act of 1972 for fiscal year 1977.

Agency Recommendations

|                                  |                       |
|----------------------------------|-----------------------|
| Office of Management and Budget  | Approval              |
| Environmental Protection Agency  | Approval              |
| Department of Commerce           | Approval              |
| Council on Environmental Quality | Approval (Informally) |
| Department of the Army           | No objection          |
| Department of Transportation     | No objection          |

Discussion

The Marine Protection, Research and Sanctuaries Act of 1972 (1) establishes a regulatory scheme to control the dumping of wastes and dredged materials into coastal waters of the United States, (2) requires the maintenance of a research

# Calendar No. 818

94TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
{ No. 94-860

## MARINE PROTECTION, RESEARCH AND SANCTUARIES ACT AUTHORIZATION—FISCAL YEAR 1977

---

MAY 13, 1976.—Ordered to be printed

---

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

### REPORT

[To accompany S. 3147]

The Committee on Commerce, to which was referred the bill (S. 3147) to extend the Marine Protection, Research, and Sanctuaries Act for 2 years, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill as amended do pass.

#### PURPOSE AND BRIEF DESCRIPTION

The purpose of S. 3147 is to amend the Marine Protection, Research, and Sanctuaries Act of 1972 to extend authorization of funds to carry out provisions for title I, II, and III of the act for fiscal year 1977.

The bill authorizes appropriations to carry out provisions of the Marine Protection, Research, and Sanctuaries Act of 1972 for fiscal year 1977. Sums not to exceed \$4,800,000 are authorized for title I, \$5,600,000 for title II, and \$500,000 for title III. A separate annual report is required from the U.S. Army Corps of Engineers and U.S. Coast Guard on their administration of provisions in the act.

#### BACKGROUND AND NEED

The Marine Protection, Research, and Sanctuaries Act was signed into law on October 23, 1972 (Public Law 92-532). The legislation originated with an administration proposal based on a report by the President's Council on Environmental Quality ("Ocean Dumping—A National Policy," October 1970). The Committee on Commerce reported the legislation in the second session of the 92nd Congress.

The act is part of a national commitment to protect the coastal waters of the United States. It provides a regulatory scheme to control the dumping of wastes and dredged materials into ocean waters. The act requires the maintenance of a research program to develop information on the effects of disposed materials upon the ocean environment as an integral part of the regulatory program.

Title I of the act establishes an ocean dumping permit program. The Environmental Protection Agency is authorized to issue permits, after establishing criteria, for dumping of materials into the oceans, except for dredged materials. The Army Corps of Engineers is authorized to issue permits for dredged materials based upon criteria established by EPA. The purpose of the permit program is "to prevent or strictly limit the dumping into ocean waters of any material which would adversely effect human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities."

Title II of the act directs the Secretary of Commerce to initiate and maintain a comprehensive research program regarding the effects of ocean dumping on the marine environment. The consideration of alternatives to ocean dumping shall be part of this research program.

Title III of the act authorizes the Secretary of Commerce to designate certain areas of ocean waters as marine sanctuaries for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or esthetic values.

Appropriations for implementation of the act were authorized through fiscal year 1975. The committee conducted oversight hearings on the administration of the act in 1975 (May 20, 1975) and ordered favorably reported H.R. 5710, extending authorization through the transitional quarter of fiscal year 1976. The history of authorizations and appropriations of funding to carry out provisions of the Act since its passage is provided in table 1.

TABLE 1.—AUTHORIZATIONS AND APPROPRIATIONS, 1973-76

(In thousands of dollars)

|   | Fiscal year 1973             |                              | Fiscal year 1974             |                              | Fiscal year 1975             |                              | Fiscal year 1976             |                              | 1976 transition period       |                              |
|---|------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|
|   | Au-<br>thor-<br>iza-<br>tion | Ap-<br>pro-<br>pria-<br>tion | Au-<br>thor-<br>iza-<br>tion | Ap-<br>pro-<br>pria-<br>tion | Au-<br>thor-<br>iza-<br>tion | Ap-<br>pro-<br>pria-<br>tion | Au-<br>thor-<br>iza-<br>tion | Ap-<br>pro-<br>pria-<br>tion | Au-<br>thor-<br>iza-<br>tion | Ap-<br>pro-<br>pria-<br>tion |
| EPA title I permits.....                    | 3,600                        | 290                          | 5,500                        | 1,276                        | 5,500                        | 1,229                        | 5,300                        | 1,313                        | 1,325                        | 328                          |
| NOAA title II research.....                 | 6,000                        | 0                            | 6,000                        | 0                            | 6,000                        | 0                            | 6,000                        | 0                            | 1,500                        | 0                            |
| NOAA title III marine sanc-<br>tuaries..... | 10,000                       | 0                            | 10,000                       | 0                            | 10,000                       | 0                            | 6,200                        | 0                            | 1,550                        | 0                            |

The committee conducted further oversight hearings with regard to the act on April 12, 1976, and also printed a report prepared by the Congressional Research Service entitled "Ocean Dumping Regulation: An Appraisal of Implementation."

A number of issues have been raised with regard to the implementation of the act. Differing opinions exist as to how soon ocean dumping activities should be eliminated. The EPA, for example, has ruled that disposal of sewage sludge originating from Philadelphia be reduced to one-half its 1975 level by 1979, and totally eliminated by 1981.

While Philadelphia protested the short time framework, others, including environmentalists and the mayor of Ocean City, Md., off whose shore the Philadelphia sludge was being dumped, argue the dumping restriction should proceed more quickly.

The issue of timing, that is, how soon should dumping be eliminated, raises the question of whether total elimination of dumping should be the ultimate congressional goal. If ocean dumping of sludge, dredge spoils, and other materials is completely eliminated, then the materials could pose an increased burden on the land and air space. Testimony was received and information exists that suggests that the oceans do have a carrying capacity to handle certain amounts and types of wastes. The committee feels at present that some ocean dumping is acceptable, but only if it will not result in harmful effects upon human health, the marine environment, or the economic welfare of an area.

The amounts of ocean dumping that would be acceptable depend in large measure upon an understanding of the effects of ocean dumping. This understanding requires a sustained and comprehensive research program as specified in title II. The committee recognizes that research is an integral and necessary part of the permit program, and is particularly concerned that this research is not being conducted. The National Oceanic and Atmospheric Administration (NOAA) has responsibility for research under title II, but has not had any funds appropriated since the act was enacted, though \$24 million have been authorized.

The lack of funds for NOAA also inhibits research on possible alternatives to ocean dumping. EPA has undertaken some research on alternatives, but the effort has not been commensurate with the problems posed by ocean dumping. The inadequate EPA effort has been largely a result of insufficient funding. The committee expects that with increased appropriations, more research would be devoted to seeking alternatives to ocean dumping.

A final issue concerns monitoring of the ocean dumping permit program. The Coast Guard is required under the act to monitor ocean dumping operations. The Coast Guard has not met its surveillance goals, particularly at night when significant dumping occurs. The lack of resources committed to this effort has been the main obstacle to full implementation of an effective monitoring program.

The original mandate provided by the Marine Protection, Research, and Sanctuaries Act of 1972 to protect the ocean and coastal environment from the harmful effects of ocean dumping is still valid. Though criticisms have been made that the act has not been effectively implemented, there is complete agreement that authorizations for the act should be extended. Effective implementation will depend on the authorization and expenditure of sufficient funds to carry out provisions of the act, and on continuous oversight by the Congress.

The Marine Protection, Research, and Sanctuaries Act Authorization for fiscal year 1977 provides \$10.9 million to carry out provisions of the act. \$4.8 million are authorized for the EPA permit program under title I, \$5.6 million are authorized for the NOAA research program under title II, and \$500,000 are authorized for marine sanctuaries under title III. To assist the Congress in its oversight of the implementation of the act, S. 3147 requires the Army Corps of

Engineers and the Coast Guard to prepare separate annual reports regarding their administration of provisions of the act.

#### SECTION-BY-SECTION ANALYSIS

##### SECTION 1

This section extends the funding authorization for title I of the act for 1 additional year, until September 30, 1977, and authorizes to be appropriated for fiscal year 1977 an amount not to exceed \$4,800,000.

##### SECTION 2

This section requires that the Environmental Protection Agency, the Army Corps of Engineers and the Coast Guard individually prepare annual reports on their administration of provisions in the act by March 1 of each year.

##### SECTION 3

This section extends funding authorization for title II of the act for 1 additional year, until September 30, 1977, and authorizes to be appropriated for fiscal year 1977 an amount not to exceed \$5,600,000.

##### SECTION 4

This section extends the funding authorization for title III of the act for 1 additional year, until September 30, 1977, and authorizes to be appropriated for fiscal year 1977 an amount not to exceed \$500,000.

#### TEXT OF S. 3147, AS REPORTED

##### A BILL To extend the Marine Protection, Research, and Sanctuaries Act.

*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 (33 U.S.C. 1420) is amended—

(1) by striking out "and" immediately after "fiscal year 1976,"; and

(2) by adding immediately after "September 30, 1976)," the following: "and not to exceed \$4,800,000 for fiscal year 1977,".

SEC. 2. Section 112 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1421) is amended—

(1) by striking out "Administrator shall" and inserting in lieu thereof "Administrator, the Secretary, and the Secretary of the department in which the Coast Guard is operating shall each individually";

(2) by striking out "June 30 of each year" and inserting in lieu thereof "March 1 of each year".

SEC. 3. The last sentence of section 204 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1444) is amended by inserting immediately before the period the following: " , and not to exceed \$5,600,000 for fiscal year 1977".

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

(1) by striking out "and" immediately after "fiscal year 1976,"; and

(2) by adding immediately after "September 30, 1976)" the following: " , and not to exceed \$500,000 for fiscal year 1977".

#### 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:

|                | <i>Fiscal year</i><br>1977 |
|----------------|----------------------------|
| Title I.....   | \$4,800,000                |
| Title II.....  | 5,600,000                  |
| Title III..... | 500,000                    |
| Total.....     | 10,900,000                 |

#### 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 as reported are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and 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, 1421, 1444)

\* \* \* \* \*

SEC. 111. There are hereby authorized to be appropriated not to exceed \$3,600,000 for fiscal year 1973, 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), *and not to exceed \$4,800,000 for fiscal year 1977*, for the purposes and administration of this title, and for succeeding fiscal years only such sums as the Congress may authorize by law.

SEC. 112. The [Administrator shall] *Administrator, the Secretary, and the Secretary of the department in which the Coast Guard is operating shall each individually* report annually, on or before [June 30 of each year,] *March 1 of each year*, with the first report to be made on or before June 30, 1973 to the Congress, on his administration of this title, including recommendations for additional legislation if deemed necessary.

\* \* \* \* \*

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), and not to exceed \$5,600,000 for fiscal year 1977.

\* \* \* \* \*

(89 Stat. 303, 16 U.S.C. 1434)

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), and not to exceed \$500,000 for fiscal year 1977 to carry out the provisions of this title, including the acquisition, development, and operation of marine sanctuaries designated under this title.

#### AGENCY COMMENTS

EXECUTIVE OFFICE OF THE PRESIDENT,  
OFFICE OF MANAGEMENT AND BUDGET,  
Washington, D.C., April 9, 1976.

HON. WARREN G. MAGNUSON,  
Chairman, Committee on Commerce, U.S. Senate, 5202 New Senate  
Office Building, Washington, D.C.

DEAR SENATOR MAGNUSON: This is in response to your letter to the Director of April 2, 1976, requesting the views of the Office of Management and Budget on S. 3147, a bill "To extend the Marine Protection, Research, and Sanctuaries Act for two years."

As you know, this is legislation that was submitted by the Administration to provide the appropriation authorization necessary for the Environmental Protection Agency to continue its activities under the ocean dumping program through fiscal year 1978. We understand that the Committee is interested in this Office's views on the appropriate division of responsibilities among the four agencies involved in this program—the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, the Army Corps of Engineers and the Coast Guard. The existing roles of these agencies can briefly be described as follows.

*EPA.*—Under Title I of the Act, the Administrator of EPA is authorized to strictly regulate ocean dumping of all materials except for dredged material, which is regulated by the Corps of Engineers. Title I strictly prohibits the dumping in ocean waters of chemical, biological, and radiological warfare agents and high level radioactive materials. Since enactment of the Act, EPA has developed criteria for the evaluation of permit applications, approved on an interim basis some 110 disposal sites, and issued approximately 100 permits.

*NOAA.*—Under Title II of the Act, NOAA carries out intensive research studies to determine the short-term effects of ocean dumping upon marine ecosystems. These studies are conducted in close cooperation with EPA and state and local officials. NOAA also is working with the Corps of Engineers to study the impact of the disposal of dredged materials.

NOAA insures adequate research efforts to determine the long range effects of man's activities on ocean ecosystems. NOAA works closely with other agencies with responsibilities in this area, including

EPA and Interior. Direct NOAA research programs include environmental assessment studies of the impact of OCS oil and gas development on the Alaskan shelf, in cooperation with Interior. NOAA also is conducting the Deep Ocean Mining Environmental Study to obtain baseline data necessary to determine the impact of deep ocean mining. In addition, NOAA is involved in several international efforts to obtain data on background levels of pollutants in the oceans.

*Corps of Engineers.*—The Army Corps of Engineers performs several activities related to the Marine Protection, Research and Sanctuaries Act. We estimate that about 1.5 percent of its general regulatory funds in fiscal year 1977 will be used for ocean dumping related work. The Corps is conducting a five-year congressionally authorized Dredged Material Research Program at its Waterway Experiment Station in Vicksburg, Mississippi. Finally, its operations and maintenance appropriations for specific channel and harbor projects will be used, as required, for sampling, laboratory testing, and monitoring dredged material at individual project locations.

*Coast Guard.*—The Coast Guard has been delegated the responsibility to conduct surveillance and other appropriate enforcement activities to prevent unlawful ocean dumping. Specifically, the Coast Guard assures that ocean dumping is carried out in accordance with permits issued by EPA or the Corps. When violations are detected, the Coast Guard undertakes an investigation and refers the case to EPA for disposition.

Surveillance of ocean dumping for federal dredging projects is the primary responsibility of the Corps; however, the Coast Guard actively monitors dumping operations in the New York and San Francisco areas on a continuous basis and supplements Corps surveillance in other dumping areas.

In support of its surveillance and enforcement activity the Coast Guard has underway an effort to develop electronic means of assuring compliance with the dumping permit. These devices will augment current surveillance efforts by shipriders, aircraft and vessels.

We believe the existing assignment of ocean dumping related responsibilities works well. It takes advantage of each agency's relative strengths and particular expertise in our continuing effort to protect this important resource. Moreover, this is still a relatively new Federal program, and we are periodically monitoring and evaluating the agencies' performance to ensure that their resources, both individually and collectively, are being applied in a sound and coordinated manner.

Sincerely yours,

JAMES M. FREY,  
Assistant Director for  
Legislative Reference.



S. 3147

# Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,  
one thousand nine hundred and seventy-six*

## An Act

To extend the Marine Protection, Research, and Sanctuaries Act for two years.

*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 (33 U.S.C. 1420) is amended—

(1) by striking out “and” immediately after “fiscal year 1976,”; and

(2) by adding immediately after “September 30, 1976),” the following: “and not to exceed \$4,800,000 for fiscal year 1977.”.

SEC. 2. Section 112 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1421) is amended—

(1) by striking out “Administrator shall” and inserting in lieu thereof “Administrator, the Secretary, and the Secretary of the department in which the Coast Guard is operating shall each individually”;

(2) by striking out “June 30 of each year” and inserting in lieu thereof “March 1 of each year”.

SEC. 3. The last sentence of section 204 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1444) is amended by inserting immediately before the period the following: “, and not to exceed \$5,600,000 for fiscal year 1977”.

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

(1) by striking out “and” immediately after “fiscal year 1976,”; and

(2) by adding immediately after “September 30, 1976)” the following “, and not to exceed \$500,000 for fiscal year 1977”.

*Speaker of the House of Representatives.*

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