

## MARINE PROTECTION; RESEARCH; AND SANCTUARIES ACT AUTHORIZATION

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

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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 CEQ'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	.....

\* 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 italic, 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.



**Add Title**

**07/02/2012**

a53465

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. Pub. L. 94-62

[ ] Shadow title

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245 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. Pub. L. 94-62.

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**H. Rep. 94-217; S. Rep. 94-271.**

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