

100TH CONGRESS
2D SESSION

H. R. 4210

To reauthorize title II of the Marine Protection, Research, and Sanctuaries Act of 1972, for fiscal years 1989 and 1990, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 1988

Mr. LOWRY of Washington (for himself, Mr. JONES of North Carolina, Mr. STUDDS, Mr. SAXTON, Mr. HUGHES, and Mr. DAVIS of Michigan) introduced the following bill; which was referred jointly to the Committees on Merchant Marine and Fisheries and Science, Space, and Technology

A BILL

To reauthorize title II of the Marine Protection, Research, and Sanctuaries Act of 1972, for fiscal years 1989 and 1990, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That title II of the Marine Protection, Research, and Sanctu-
4 aries Act of 1972 (33 U.S.C. 1441-1445), be amended—

5 SECTION 1. By adding the following new subsection to
6 section 202(a) (33 U.S.C. 1442(a)):

7 “(3) The Secretary of Commerce shall ensure that the
8 comprehensive and continuing research program conducted
9 under subsection (a) of this section is consistent with the

1 comprehensive plan relating to the ocean pollution developed
2 under section 4 of the National Ocean Pollution Planning Act
3 of 1978 (33 U.S.C. 1703).”

4 SEC. 2. By adding the following new subsection to sec-
5 tion 204 (33 U.S.C. 1444):

6 “(c) On October 31 of each year, the Under Secretary
7 shall report to the Congress the specific programs that the
8 National Oceanic and Atmospheric Administration and the
9 Environmental Protection Agency carried out pursuant to
10 this title in the previous fiscal year, specifically listing the
11 amount of funds allocated to those specific programs in the
12 previous fiscal year.”.

13 SEC. 3. (a) By amending section 205 (33 U.S.C. 1445)
14 by striking out “and” immediately following “fiscal year
15 1986,”.

16 (b) By striking out “1987.” and substituting “1987, not
17 to exceed \$12,000,000 for fiscal year 1989, and
18 \$13,000,000 for fiscal year 1990.”.

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REAUTHORIZING TITLE II OF THE MARINE PROTECTION,
RESEARCH, AND SANCTUARIES ACT OF 1972

MAY 13, 1988.—Ordered to be printed

Mr. JONES of North Carolina, from the Committee on Merchant
Marine and Fisheries, submitted the following

R E P O R T

[To accompany H.R. 4210]

[Including cost estimate of the Congressional Budget Office]

The Committee on Merchant Marine and Fisheries, to whom was referred the bill (H.R. 4210) to reauthorize title II of the Marine Protection, Research, and Sanctuaries Act of 1972, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF LEGISLATION

The purpose of H.R. 4210 is to reauthorize title II of the Marine Protection, Research, and Sanctuaries Act of 1972 for fiscal years 1989 and 1990, and for other purposes.

BACKGROUND AND NEED

Title II of the Marine Protection, Research, and Sanctuaries Act, administered principally by the National Oceanic and Atmospheric Administration (NOAA), provides for a comprehensive monitoring and research program on the effects of ocean dumping under section 201 and a comprehensive continuing research program on the possible long term effects of pollution, overfishing, and other activities on the ocean ecosystem under section 202. An annual report to Congress is required on these activities under section 204.

The programs funded under title II include: (1) the Status and Trends Program, which monitors water quality data from various waterbodies around the nation; (2) the Consequences of Contamination Program, which links the chemical data collected in the Status and Trends Program with the actual effects on marine life; (3) the

Strategic Assessment Branch of NOAA's National Ocean Service, which prepares data, atlases, and maps of various estuaries depicting resources and water quality factors in these areas; and (4) the Hazardous Materials Response Program, which is NOAA's response capability for meeting hazardous materials and oil spill emergencies and conducting long-term resource assessments under the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund).

Title II was last reauthorized in the 99th Congress as part of the Consolidated Omnibus Budget Reconciliation Act of 1985 (P.L. 99-272). The program was reauthorized at funding levels of \$10,635,000 for Fiscal year 1986 and \$11,114,000 for Fiscal Year 1987. Although title II was not reauthorized in Fiscal Year 1988, the programs funded under title II received an appropriation of \$10,170,000.

Since title II was last reauthorized, the Office of Technology Assessment (OTA) has issued a report on "Wastes in Marine Environments" (April 1987). As one of its principal findings, the OTA reported that "estuaries and coastal waters around the country receive the vast majority of pollutants introduced into marine environments. As a result, many of these waters have exhibited a variety of adverse impacts, and their overall health is declining or threatened." The Committee recognizes the importance of continuing to monitor and assess the health of our nation's estuaries at this critical juncture. For this reason, the Committee does not agree with the Administration's proposed severe reduction in funding for title II programs and has recommended their continued funding at levels comparable to those previously authorized and appropriated, taking into account normal inflation. The Committee is also concerned with NOAA's small presence under this program in the Great Lakes, despite new language to this effect added to the Act in 1986.

COMMITTEE ACTION

H.R. 4210 was introduced on March 21, 1988 by Congressman Lowry of Washington, Chairman of the Oceanography Subcommittee of the Merchant Marine and Fisheries Committee, with five co-sponsors. H.R. 4210 was referred to the Merchant Marine and Fisheries and the Committee on Science, Space, and Technology.

Within the Merchant Marine and Fisheries Committee, H.R. 4210 was referred to the Subcommittees on Oceanography and Fisheries and Wildlife Conservation and the Environment. On March 23, 1988, the two subcommittees met in joint session and ordered H.R. 4210 reported by voice vote to the full Committee.

The full Committee held a markup of H.R. 4210 on April 14, 1988. The Committee ordered the bill favorably reported without amendment to the House of Representatives by unanimous voice vote.

SECTION-BY-SECTION ANALYSIS

Section 1 requires the Secretary of Commerce, who has departmental responsibility for NOAA, to ensure that the comprehensive and continuing research program conducted under section 202(a) of title II is consistent with the comprehensive plan relating to ocean

pollution developed under section 4 of the National Ocean Pollution Planning Act of 1978 (33 U.S.C. 1703). The Committee views the 5-year plan developed under the National Ocean Pollution Planning Act as a good template for the conduct of ocean pollution research generally. For this reason, research conducted under title II should assist in carrying out the priority research projects identified in the 5-year plan.

Section 2 requires the Under Secretary for Oceans and Atmosphere (the Administrator of NOAA) to report to Congress on or before October 31 of each year on the specific programs that NOAA and the Environmental Protection Agency carried out under title II in the previous fiscal year. The report should specifically list the amount of funds allocated to these programs in the previous fiscal year. This requirement was added because of past difficulties in identifying specific programs funded under this title.

Section 3 amends section 205 of title II to authorize an appropriation not to exceed \$12,000,000 for fiscal year 1989 and \$13,000,000 for fiscal year 1990.

INFLATIONARY IMPACT STATEMENT

Pursuant to the requirements of clause (2)(1)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 4210 will have no significant inflationary impact upon prices and costs in the operation of the national economy.

COSTS OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires a statement of the estimated cost to the United States which would be incurred in carrying out H.R. 4210. However, under paragraph (d) of clause 7, the provisions of (a) do not apply when the Committee has received a timely report from the Congressional Budget Office.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirements of clause (2)(1)(3)(A) of rule XI of the Rules of the House of Representatives, no oversight findings or recommendations on the subject of H.R. 4210 have been made by the Committee during the 100th Congress.

2. With respect to the requirements of clause (2)(1)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 4210 does not contain any new budget authority or tax exemptions.

3. With respect to the requirements of clause (2)(1)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report from the Committee on Government Operations on the subject of H.R. 4210.

4. With respect to the requirements of clause (2)(1)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following estimate of the cost of H.R. 4210 from the Director of the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 19, 1988.

Hon. WALTER B. JONES,
Chairman, Committee on Merchant Marine and Fisheries, U.S.
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for H.R. 4210, a bill to reauthorize title II of the Marine Protection, Research, and Sanctuaries Act of 1972, for fiscal years 1989 and 1990, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM,
Acting Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 4210.
2. Bill title: A bill to reauthorize title II of the Marine Protection, Research, and Sanctuaries Act of 1972, for fiscal years 1989 and 1990, and for other purposes.
3. Bill status: As ordered reported by the House Committee on Merchant Marine and Fisheries, April 14, 1988.
4. Bill purpose: H.R. 4210 would authorize \$12 million for fiscal year 1989 and \$13 million for fiscal year 1990 to the National Oceanic and Atmospheric Administration (NOAA) for marine research and sanctuary programs.
5. Estimated cost to the Federal Government:

(By fiscal year, in millions of dollars)

	1989	1990	1991	1992	1993
Authorization level.....	12	13			
Estimated outlays.....	8	12	4	1	

The costs of this bill fall within budget function 300.

Basis of estimate: This estimate assumes that the full amounts authorized would be appropriated for each fiscal year. The estimated outlays are based on historical spending patterns.

6. Estimated cost to State and local governments: None.
7. Estimate comparison: None.
8. Previous CBO estimate: None.
9. Estimate prepared by: Michael Sieverts.
10. Estimate approved by: C.G. Nuckols, for James L. Blum, Assistant Director for Budget Analysis.

DEPARTMENTAL REPORTS

The Committee has received no departmental reports on H.R. 4210.

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):

33 U.S.C. 1442-1445

§ 1442. Research program respecting possible long-range effects of pollution, overfishing, and man-induced changes of ocean ecosystems

(a) Secretary of Commerce—

* * * * *

(3) The Secretary of Commerce shall ensure that the comprehensive and continuing research program conducted under subsection (a) of this section is consistent with the comprehensive plan relating to the ocean pollution developed under section 4 of the National Ocean Pollution Planning Act of 1978 (33 U.S.C. 1702).

* * * * *

§ 1444. Annual reports

(a) In March of each year, the Secretary of Commerce shall report to the Congress on his activities under this subchapter during the previous fiscal year. The report shall include—

(1) the Secretary's findings made under section 1441 of this title, including an evaluation of the short-term ecological effects and the social and economic factors involved with the dumping;

(2) the results of activities undertaken pursuant to section 1442 of this title;

(3) with the concurrence of the Administrator and after consulting with officials of other appropriate Federal agencies an identification of the short- and long-term research requirements associated with activities under subchapter I of this chapter, and a description of how Federal research under this subchapter and subchapter I of this chapter will meet those requirements; and

(4) activities of the Department of Commerce under section 665 of Title 16.

(b) In March of each year, the Administrator shall report to the Congress on his activities during the previous fiscal year under section 1443 of this title.

(c) On October 31 of each year, the Under Secretary shall report to the Congress the specific programs that the National Oceanic and Atmospheric Administration and the Environmental Protection Agency carried out pursuant to this title in the previous fiscal year, specifically listing the amount of funds allocated to those specific programs in the previous fiscal year.

§ 1445. Authorization of appropriations

There are authorized to be appropriated for the first fiscal year October 23, 1972, and for the next two fiscal years thereafter such sums as may be necessary to carry out this subchapter, 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), not to exceed \$5,600,000 for fiscal year 1977, not to exceed \$6,500,000 for fiscal year 1978, not to exceed \$11,396,000 for fiscal year 1981, not to exceed \$12,000,000 for fiscal year 1982, not to exceed \$10,635,000 for fiscal year 1986, [and] not to exceed \$11,114,00 for fiscal year [1987] 1987, not to exceed \$12,000,000 for fiscal year 1989, and \$13,000,000 for fiscal year 1990.

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