

MARINE DEBRIS RESEARCH, PREVENTION, AND  
REDUCTION ACT

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JULY 25, 2006.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

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Mr. YOUNG of Alaska, from the Committee on Transportation and  
Infrastructure, submitted the following

R E P O R T

[To accompany S. 362]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom  
was referred the bill (S. 362) to establish a program within the Na-  
tional Oceanic and Atmospheric Administration and the United  
States Coast Guard to help identify, determine sources of, assess,  
reduce, and prevent marine debris and its adverse impacts on the  
marine environment and navigation safety, in coordination with  
non-Federal entities, and for other purposes, having considered the  
same, report favorably thereon with an amendment and rec-  
ommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Marine Debris Research, Prevention, and Reduction  
Act”.

**SEC. 2. PURPOSES.**

The purposes of this Act are—

- (1) to help identify, determine sources of, assess, reduce, and prevent marine  
debris and its adverse impacts on the marine environment and navigation safe-  
ty;
- (2) to reactivate the Interagency Marine Debris Coordinating Committee; and
- (3) to develop a Federal marine debris information clearinghouse.

**SEC. 3. NOAA MARINE DEBRIS PREVENTION AND REMOVAL PROGRAM.**

(a) ESTABLISHMENT OF PROGRAM.—There is established, within the National Ocea-  
nic and Atmospheric Administration, a Marine Debris Prevention and Removal  
Program to reduce and prevent the occurrence and adverse impacts of marine debris  
on the marine environment and navigation safety.

(b) PROGRAM COMPONENTS.—The Administrator, acting through the Program and subject to the availability of appropriations, shall carry out the following activities:

(1) MAPPING, IDENTIFICATION, IMPACT ASSESSMENT, REMOVAL, AND PREVENTION.—The Administrator shall, in consultation with relevant Federal agencies, undertake marine debris mapping, identification, impact assessment, prevention, and removal efforts, with a focus on marine debris posing a threat to living marine resources and navigation safety, including—

(A) the establishment of a process, building on existing information sources maintained by Federal agencies such as the Environmental Protection Agency and the Coast Guard, for cataloguing and maintaining an inventory of marine debris and its impacts found in the navigable waters of the United States and the United States exclusive economic zone, including location, material, size, age, and origin, and impacts on habitat, living marine resources, human health, and navigation safety;

(B) measures to identify the origin, location, and projected movement of marine debris within United States navigable waters, the United States exclusive economic zone, and the high seas, including the use of oceanographic, atmospheric, satellite, and remote sensing data; and

(C) development and implementation of strategies, methods, priorities, and a plan for preventing and removing marine debris from United States navigable waters and within the United States exclusive economic zone, including development of local or regional protocols for removal of derelict fishing gear and other marine debris.

(2) REDUCING AND PREVENTING LOSS OF GEAR.—The Administrator shall improve efforts to reduce adverse impacts of lost and discarded fishing gear on living marine resources and navigation safety, including—

(A) research and development of alternatives to gear posing threats to the marine environment, and methods for marking gear used in specific fisheries to enhance the tracking, recovery, and identification of lost and discarded gear; and

(B) development of effective nonregulatory measures and incentives to cooperatively reduce the volume of lost and discarded fishing gear and to aid in its recovery.

(3) OUTREACH.—The Administrator shall undertake outreach and education of the public and other stakeholders, such as the fishing industry, fishing gear manufacturers, and other marine-dependent industries, and the plastic and waste management industries, on sources of marine debris, threats associated with marine debris and approaches to identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigational safety, including outreach and education activities through public-private initiatives. The Administrator shall coordinate outreach and education activities under this paragraph with any outreach programs conducted under section 2204 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1915).

(c) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—

(1) IN GENERAL.—The Administrator, acting through the Program, shall enter into cooperative agreements and contracts and provide financial assistance in the form of grants for projects to accomplish the purpose set forth in section 2(1).

(2) GRANT COST SHARING REQUIREMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), Federal funds for any grant under this section may not exceed 50 percent of the total cost of such project. For purposes of this subparagraph, the non-Federal share of project costs may be provided by in-kind contributions and other noncash support.

(B) WAIVER.—The Administrator may waive all or part of the matching requirement under subparagraph (A) if the Administrator determines that no reasonable means are available through which applicants can meet the matching requirement and the probable benefit of such project outweighs the public interest in such matching requirement.

(3) AMOUNTS PAID AND SERVICES RENDERED UNDER CONSENT.—

(A) CONSENT DECREES AND ORDERS.—If authorized by the Administrator or the Attorney General, as appropriate, the non-Federal share of the cost of a project carried out under this Act may include money paid pursuant to, or the value of any in-kind service performed under, an administrative order on consent or judicial consent decree that will remove or prevent marine debris.

(B) OTHER DECREES AND ORDERS.—The non-Federal share of the cost of a project carried out under this Act may not include any money paid pursu-

ant to, or the value of any in-kind service performed under, any other administrative order or court order.

(4) **ELIGIBILITY.**—Any State, local, or tribal government whose activities affect research or regulation of marine debris, and any institution of higher education, nonprofit organization, or commercial organization with expertise in a field related to marine debris, is eligible to submit to the Administrator a marine debris proposal under the grant program.

(5) **GRANT CRITERIA AND GUIDELINES.**—Within 180 days after the date of the enactment of this Act, the Administrator shall promulgate necessary guidelines for implementation of the grant program, including development of criteria and priorities for grants. In developing those guidelines, the Administrator shall consult with—

- (A) the Interagency Committee;
- (B) regional fishery management councils established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);
- (C) State, regional, and local governmental entities with marine debris experience;
- (D) marine-dependent industries; and
- (E) nongovernmental organizations involved in marine debris research, prevention, or removal activities.

(6) **PROJECT REVIEW AND APPROVAL.**—The Administrator shall—

- (A) review each marine debris project proposal to determine if it meets the grant criteria and supports the goals of this Act;
- (B) after considering any written comments and recommendations based on the review, approve or disapprove the proposal; and
- (C) provide notification of that approval or disapproval to the person who submitted the proposal.

(7) **PROJECT REPORTING.**—Each grantee under this section shall provide periodic reports as required by the Administrator. Each report shall include all information required by the Administrator for evaluating the progress and success in meeting its stated goals, and impact of the grant activities on the marine debris problem.

#### **SEC. 4. COAST GUARD PROGRAM.**

(a) **STRATEGY.**—The Commandant of the Coast Guard, in consultation with the Interagency Committee, shall—

(1) take actions to reduce violations of and improve implementation of MARPOL Annex V and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) with respect to the discard of plastics and other garbage from vessels;

(2) take actions to cost-effectively monitor and enforce compliance with MARPOL Annex V and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), including through cooperation and coordination with other Federal and State enforcement programs;

(3) take actions to improve compliance with requirements under MARPOL Annex V and section 6 of the Act to Prevent Pollution from Ships (33 U.S.C. 1905) that all United States ports and terminals maintain and monitor the adequacy of receptacles for the disposal of plastics and other garbage, including through promoting voluntary government-industry partnerships;

(4) develop and implement a plan, in coordination with industry and recreational boaters, to improve ship-board waste management, including record-keeping, and access to waste reception facilities for ship-board waste;

(5) take actions to improve international cooperation to reduce marine debris; and

(6) establish a voluntary reporting program for commercial vessel operators and recreational boaters to report incidents of damage to vessels and disruption of navigation caused by marine debris, and observed violations of laws and regulations relating to the disposal of plastics and other marine debris.

(b) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report evaluating the Coast Guard's progress in implementing subsection (a).

(c) **EXTERNAL EVALUATION AND RECOMMENDATIONS ON ANNEX V.**—

(1) **IN GENERAL.**—The Commandant of the Coast Guard shall enter into an arrangement with the National Research Council under which the National Research Council shall submit, by not later than 18 months after the date of the enactment of this Act and in consultation with the Commandant and the Interagency Committee, to the Committee on Commerce, Science, and Transpor-

tation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a comprehensive report on the effectiveness of international and national measures to prevent and reduce marine debris and its impact.

(2) CONTENTS.—The report required under paragraph (1) shall include—

(A) an evaluation of international and domestic implementation of MARPOL Annex V and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) and recommendations of cost-effective actions to improve implementation and compliance with such measures to reduce impacts of marine debris;

(B) recommendation of additional Federal or international actions, including changes to international and domestic law or regulations, needed to further reduce the impacts of marine debris; and

(C) evaluation of the role of floating fish aggregation devices in the generation of marine debris and existing legal mechanisms to reduce impacts of such debris, focusing on impacts in the Western Pacific and Central Pacific regions.

#### SEC. 5. INTERAGENCY COORDINATION.

(a) INTERAGENCY MARINE DEBRIS COORDINATING COMMITTEE.—Section 2203 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1914) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) ESTABLISHMENT OF INTERAGENCY MARINE DEBRIS COORDINATING COMMITTEE.—There is established an Interagency Marine Debris Coordinating Committee to coordinate a comprehensive program of marine debris research and activities among Federal agencies, in cooperation and coordination with non-governmental organizations, industry, universities, and research institutions, States, Indian tribes, and other nations, as appropriate.”; and

(2) in subsection (c), by inserting “public, interagency” before “forum”.

(b) DEFINITION OF MARINE DEBRIS.—The Administrator and the Commandant of the Coast Guard, in consultation with the Interagency Committee established under subsection (a), shall jointly develop and promulgate through regulations a definition of the term “marine debris” for purposes of this Act.

(c) REPORTS.—

(1) INTERAGENCY REPORT ON MARINE DEBRIS IMPACTS AND STRATEGIES.—

(A) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Interagency Committee, through the chairperson, shall complete and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Resources of the House of Representatives a report that—

- (i) identifies sources of marine debris;
- (ii) the ecological and economic impact of marine debris;
- (iii) alternatives for reducing, mitigating, preventing, and controlling the harmful affects of marine debris;
- (iv) the social and economic costs and benefits of such alternatives; and
- (v) recommendations to reduce marine debris both domestically and internationally.

(B) RECOMMENDATIONS.—The report shall provide strategies and recommendations on—

- (i) establishing priority areas for action to address leading problems relating to marine debris;
- (ii) developing strategies and approaches to prevent, reduce, remove, and dispose of marine debris, including through private-public partnerships;
- (iii) establishing effective and coordinated education and outreach activities; and
- (iv) ensuring Federal cooperation with, and assistance to, the coastal States (as that term is defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)), Indian tribes, and local governments in the identification, determination of sources, prevention, reduction, management, mitigation, and control of marine debris and its adverse impacts.

(2) ANNUAL PROGRESS REPORTS.—Not later than 3 years after the date of the enactment of this Act, and biennially thereafter, the Interagency Committee, through the chairperson, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and In-

frastructure and the Committee on Resources of the House of Representatives a report that evaluates United States and international progress in meeting the purpose of this Act. The report shall include—

- (A) the status of implementation of any recommendations and strategies of the Interagency Committee and analysis of their effectiveness;
- (B) a summary of the marine debris inventory to be maintained by the National Oceanic and Atmospheric Administration;
- (C) a review of the National Oceanic and Atmospheric Administration program authorized by section 3, including projects funded and accomplishments relating to reduction and prevention of marine debris;
- (D) a review of Coast Guard programs and accomplishments relating to marine debris removal, including enforcement and compliance with MARPOL requirements; and
- (E) estimated Federal and non-Federal funding provided for marine debris and recommendations for priority funding needs.

#### **SEC. 6. FEDERAL INFORMATION CLEARINGHOUSE.**

The Administrator, in coordination with the Interagency Committee, shall—

- (1) maintain a Federal information clearinghouse on marine debris that will be available to researchers and other interested persons to improve marine debris source identification, data sharing, and monitoring efforts through collaborative research and open sharing of data; and
- (2) take the necessary steps to ensure the confidentiality of such information (especially proprietary information), for any information required by the Administrator to be submitted by the fishing industry under this section.

#### **SEC. 7. DEFINITIONS.**

In this Act:

- (1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration.
- (2) **INTERAGENCY COMMITTEE.**—The term “Interagency Committee” means the Interagency Marine Debris Coordinating Committee established under section 2203 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1914).
- (3) **UNITED STATES EXCLUSIVE ECONOMIC ZONE.**—The term “United States exclusive economic zone” means the zone established by Presidential Proclamation Numbered 5030, dated March 10, 1983, including the ocean waters of the areas referred to as “eastern special areas” in article 3(1) of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990.
- (4) **MARPOL; ANNEX V; CONVENTION.**—The terms “MARPOL”, “Annex V”, and “Convention” have the meaning given those terms under section 2(a) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)).
- (5) **NAVIGABLE WATERS.**—The term “navigable waters” means waters of the United States, including the territorial sea.
- (6) **TERRITORIAL SEA.**—The term “territorial sea” means the waters of the United States referred to in Presidential Proclamation No. 5928, dated December 27, 1988.
- (7) **PROGRAM.**—The term “Program” means the Marine Debris Prevention and Removal Program established under section 3.
- (8) **STATE.**—The term “State” means—
  - (A) any State of the United States that is impacted by marine debris within its seaward or Great Lakes boundaries;
  - (B) the District of Columbia;
  - (C) American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands; and
  - (D) any other territory or possession of the United States, or separate sovereign in free association with the United States, that is impacted by marine debris within its seaward boundaries.

#### **SEC. 8. RELATIONSHIP TO OUTER CONTINENTAL SHELF LANDS ACT.**

Nothing in this Act supersedes, or limits the authority of the Secretary of the Interior under, the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

#### **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated for each fiscal year 2006 through 2010—

- (1) to the Administrator for carrying out sections 3 and 7, \$10,000,000, of which no more than 10 percent may be for administrative costs; and
- (2) to the Secretary of the Department in which the Coast Guard is operating, for the use of the Commandant of the Coast Guard in carrying out sections 4

and 6, \$2,000,000, of which no more than 10 percent may be used for administrative costs.

#### PURPOSE OF THE LEGISLATION

S. 362, the Marine Debris Research, Prevention and Reduction Act, establishes a marine debris prevention and removal program within the National Oceanic and Atmospheric Administration (NOAA), strengthens the Coast Guard's capabilities to improve and enforce compliance with laws and regulations regarding the disposal of plastics and other garbage from vessels, and reactivates the Interagency Marine Debris Coordinating Committee to coordinate marine debris research and activities throughout the Federal government.

#### BACKGROUND AND NEED FOR THE LEGISLATION

Marine debris is derived from a variety of sources on land and at sea with approximately 20 percent of the total amount resulting from ocean-based activities, including lost or abandoned fishing gear, galley waste and trash from vessels and offshore oil and gas facilities.

Marine debris degrades very slowly, is highly buoyant, and can be carried thousands of miles by ocean currents. The life span of marine debris ranges from two weeks (for some paper products) to 450 years (in the case of plastics). Effects of both land-based sources and ocean-based sources can have negative impacts on living marine organisms. Studies have also found that lost fishing gear poses significant entanglement threats to many marine organisms, including fish, crabs, birds and marine mammals. Marine debris also has serious consequences for humans. Broken glass and medical waste on beaches, as well as ropes and lost fishing gear can pose serious threats to beachgoers, boaters and divers. Human health concerns, due to medical waste debris on beaches, have led to beach closures causing additional economic harm to coastal communities.

There are a number of initiatives to reduce and prevent marine debris. Internationally, controls for at-sea dumping of garbage generated on land were enacted in 1972 through the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (referred to as the London Convention). Additional attention was given to marine debris when a 1978 protocol was added to the 1973 International Convention for the Prevention of Pollution by Ships (MARPOL Convention) to prevent at-sea disposal of garbage generated during routine ship operations. Annex V of the MARPOL Convention prohibits all overboard disposal of plastics and limits other discharges based on the material and the vessel's location and distance from shore.

National marine debris initiatives that affect U.S. waters from the shore to 200 miles and the actions taken by U.S. citizens onboard ships include: the Act to Prevent Pollution from Ships, which implements Annex V of MARPOL, by prohibiting the disposal of garbage within 3 nautical miles of the coast; the Marine Plastic Pollution Research and Control Act; the Driftnet Impact Monitoring, Assessment and Control Act; the Clean Water Act; Title I of the Marine Protection, Research, and Sanctuaries Act (referred to as the Ocean Dumping Act); and the Beaches Environmental As-

assessment and Coastal Health Act. In addition, coastal and Great Lakes states and territories have also instituted laws and entered into public-private initiatives to reduce and prevent marine debris.

From 1985 to 1996 NOAA developed and directed a comprehensive marine debris and research and management program, which later became the Marine Entanglement Research Program. More recently, Congress has appropriated funds to NOAA to reduce the effects of marine debris in unique and remote ecosystems like the Northwestern Hawaiian Islands. In fiscal year 2005, Congress appropriated \$5 million to NOAA to undertake a national effort focused on identifying, removing, reducing and preventing the occurrence of marine debris, with particular attention on identifying and reducing impacts on endangered and threatened or protected species and sensitive habitats in United States waters.

The U.S. Coast Guard (USCG) currently enforces Annex V of MARPOL on board applicable U.S. and foreign vessels operating in the U.S. and internationally through ensuring compliance with the regulations in 33 Code of Federal Regulations 151, Part A. The USCG also enforces shore side facility regulations found in 33 Code of Federal Regulations 158, Part D. Foreign vessels that must meet MARPOL and U.S. requirements for garbage handling and management have their placards, plans, and equipment evaluated during port state control examinations that take place once each year. The evaluation takes place on board all U.S. certificated vessels during their inspections or reinspections for certification. Any violations of these regulations found by the USCG may result in administrative, civil, or criminal actions.

#### SUMMARY OF THE LEGISLATION

S. 362, the Marine Debris Research, Prevention and Reduction Act, establishes a marine debris prevention and removal program within the NOAA, strengthens the Coast Guard's capabilities to improve and enforce compliance with laws and regulations regarding the disposal of plastics and other garbage from vessels, and reactivates the Interagency Marine Debris Coordinating Committee to coordinate marine debris research and activities throughout the Federal government.

The Committee is aware that the Coast Guard has initiated an environmental impact statement and a rulemaking regarding its development of new regulations related to the incidental discharge of cargo residue in the Great Lakes. Over the years, the Committee has carefully followed and actively participated in the development of the enforcement policy for cargo residue on the Great Lakes. The Committee appreciates the Coast Guard's management of this issue over the years and supports the ongoing rulemaking process. Nothing in this law is intended to effect, impede, or change that ongoing process, including agency jurisdiction, in any way.

Section 1 states that the legislation may be referred to as the "Marine Debris Research, Prevention and Reduction Act".

Section 2 lists the purposes of the bill: to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety; to reactivate the Interagency Marine Debris Coordinating Committee; and to develop a federal marine debris information clearinghouse.

Section 3 establishes a Marine Debris Prevention and Removal Program within the National Oceanic and Atmospheric Administration (NOAA) that is aimed at reducing and preventing the occurrence and adverse impacts of marine debris on the marine environment and navigational safety. The program includes mapping, identification, impact assessment, removal and prevention of marine debris, with a focus on threats to living marine resources including species protected under the Endangered Species Act and Marine Mammal Protection Act. The program also includes efforts aimed at reducing and preventing loss of fishing gear and a separate outreach and education program. The nonregulatory measures and incentives to cooperatively reduce the volume of lost and discarded fishing gear and to aid in its recovery could include toll free reporting hotlines and computer-based notification forms.

Section 3 also authorizes NOAA to provide grants to non-federal entities whose activities affect research or regulation of marine debris and entities with expertise in a field related to marine debris. Under this section, NOAA is required to review each grant proposal to determine if it meets the grant criteria and supports the goals of the Act, take the review into consideration when approving or disapproving the grant, and provide notification of approval or disapproval to the applicant. In addition, each grantee is required to provide periodic reports as required by NOAA.

Section 4 requires the Coast Guard to take measures to improve compliance and enforcement of laws and international agreements regarding the discard of plastics and garbage from vessels. This section also directs the Coast Guard to improve compliance with requirements regarding the availability of garbage receptacles at ports and terminals and to work with industry and recreational boaters to develop a plan to improve shipboard management of garbage. Section 4 also directs the Coast Guard to develop and implement a plan, in coordination with recreational and commercial boaters, to improve shipboard waste management and access to waste-reception facilities for all vessels, take actions to improve international coordination to reduce marine debris, and to establish a voluntary reporting program to receive information on damage to vessels and disruption of navigation caused by marine debris and observed violations of regulations regarding the disposal of plastics and other garbage from vessels.

This section also directs the Coast Guard to submit a report to Congress detailing the progress in implementing the measures required under this section and directs the Coast Guard to enter into an agreement with the National Research Council to conduct a report on the effectiveness of international and domestic measures to prevent and reduce marine debris and its impact.

The actions required under this section are intended to strengthen the Coast Guard's existing marine debris program and the Service's capabilities to enforce existing regulations and requirements. The Committee does not intend to create a new program or mission responsibility with this language. The Committee recommends that the Coast Guard coordinate with industry and recreational stakeholders to the extent possible to develop and implement the additional measures under this section. It is the Committee's intent that the Coast Guard may issue regulations, as necessary, to implement measures and requirements under this section.



Section 5 amends the Marine Plastic Pollution Research and Control Act of 1987 to reestablish the Interagency Marine Debris Coordinating Committee and to authorize the Interagency Committee to coordinate a comprehensive program of debris research and activities among federal agencies, in cooperation and coordination with nongovernmental organizations, industry, universities, and research institutions, States, Indian tribes, and other nations, as appropriate.

This section also requires the Administrator of NOAA and the Commandant of the Coast Guard to jointly develop and promulgate through regulations a definition of the term “marine debris” for the purposes of this Act. Lastly, this section requires the Interagency Committee to submit two reports to Congress. The first report is an Interagency report on marine debris impacts and strategies to be completed 12 months after the date of enactment of this Act. The second report is a biennial report that evaluates the United States and international progress in meeting the purposes of this Act.

Section 6 requires NOAA, in coordination with the Interagency Committee, to maintain a federal information clearinghouse on marine debris. The data collected pursuant to section (3)(b)(I) of this Act could be used as the basis for the federal information clearinghouse. The data in the clearinghouse will be available to researchers and other interested persons to improve marine debris source identification, data sharing, and monitoring efforts through collaborative research and open sharing of data. NOAA is required to ensure the confidentiality of proprietary information required by the agency to be submitted by the fishing industry.

Section 7 defines the terms “Administrator”, “Interagency Committee”, “MARPOL”, “Annex V”, “Convention”, “U.S. Exclusive Economic Zone”, “Navigable Waters”, “Territorial Sea”, “Program”, and “State”.

Section 8 clarifies that the Act does not supersede or limit any authorities granted to the Secretary of the Interior under the Outer Continental Shelf Lands Act.

Section 9 authorizes appropriations for fiscal years 2006–2010 to NOAA and the Coast Guard to carry out the Act.

#### LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

S. 362, the Marine Debris Research, Prevention and Reduction Act, was introduced by Senator Daniel K. Inouye of Hawaii on February 10, 2005. In the House, the bill was referred primarily to the Committee on Transportation and Infrastructure and additionally to the Committee on Resources.

The Subcommittee on Coast Guard and Maritime Transportation held a joint legislative hearing with the Subcommittee on Oceans and Fisheries of the Committee on Resources on September 29, 2006. On June 28, 2006, the Subcommittee on Coast Guard and Maritime Transportation was discharged from consideration of the bill and the bill was considered during a Full Committee mark-up.

At this mark-up, Coast Guard and Maritime Transportation Subcommittee Chairman, Mr. LoBiondo, offered an amendment in the nature of a substitute. The amendment was adopted unanimously by voice vote, and S. 362, as amended, was approved unanimously by voice vote and was ordered favorably reported to the House.

## ROLLCALL VOTES

Clause 3(b) of rule XIII of the House of Representatives requires each committee report to include the total number of votes cast for and against on each rollcall vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no rollcall votes during consideration of the bill.

## COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

## COST OF LEGISLATION

Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

## COMPLIANCE WITH HOUSE RULE XIII

1. With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included below.

2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals of S. 362 are to enhance, strengthen and improve coordination of the Federal government's marine debris prevention and response activities.

3. With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for S. 362 from the Director of the Congressional Budget Office.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, July 11, 2006.*

Hon. DON YOUNG,  
*Chairman, Committee on Transportation and Infrastructure,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 362, the Marine Debris Research, Prevention, and Reduction Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

DONALD B. MARRON,  
*Acting Director.*

Enclosure.

*S. 362—Marine Debris Research, Prevention, and Reduction Act*

Summary: S. 362 would establish a program to reduce the amount of marine debris (such as plastic and lost fishing gear) in oceans and coastal areas and to mitigate its effects on health and navigation safety. Under the legislation, the National Oceanic and Atmospheric Administration (NOAA) would conduct projects to identify and catalogue debris hazards, determine sources of such debris, and develop methods of removing existing debris and preventing further occurrences. S. 362 would authorize NOAA to provide grants to nonfederal entities such as state or local governments and universities involved with those activities. The act also would direct the U.S. Coast Guard (USCG) to improve enforcement of existing laws and treaties that address ocean pollution waste disposal at sea. For these purposes, the act would authorize the appropriation of \$12 million (\$10 million to NOAA and \$2 million to the USCG) for each of fiscal years 2006 through 2010.

Assuming appropriation of the authorized amounts, CBO estimates that implementing S. 362 would cost \$3 million in fiscal year 2007 and \$48 million over the 2007–2011 period. (For this estimate, we assume that no additional funds would be appropriated for this purpose for 2006). Enacting this legislation would have no effect on revenues or direct spending.

S. 362 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA); any costs to state, local, or tribal governments would result from complying with conditions of federal assistance.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 362 is shown in the following table. The costs of this legislation fall within budget functions 300 (natural resources and environment) and 400 (transportation). For this estimate, CBO assumes that S. 362 will be enacted by the beginning of fiscal year 2007, that the authorized amounts will be appropriated for each of fiscal years 2007 through 2010, and that outlays will follow historical spending patterns for similar activities of the agencies involved.

	By fiscal year, in millions of dollars—				
	2007	2008	2009	2010	2011
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Authorization Level .....	12	12	12	12	0
Estimated Outlays .....	3	13	15	15	2

Intergovernmental and private-sector impact: S. 362 contains no intergovernmental or private-sector mandates as defined in UMRA; any costs to state, local, or tribal governments would result from complying with conditions of federal assistance.

Previous CBO estimates: On March 18, 2005, CBO transmitted a cost estimate for S. 362 as ordered reported by the Senate Committee on Commerce, Science, and Transportation on March 10, 2005. On November 23, 2005, CBO transmitted a cost estimate for S. 367 as ordered reported by the House Committee on Resources on November 16, 2005. The three versions of the legislation are very similar, but as reflected in the CBO estimates, CBO now expects that S. 362 would be enacted too late for the 2006 authorization amount to be appropriated. The Senate version of the bill con-

tains intergovernmental mandates because it would require the Coast Guard to issue regulations to improve the disposal of plastics and other garbage by ports.

Estimate prepared by: Federal Costs: Deborah Reis; Impact on state, local, and tribal governments: Sarah Puro; Impact on the private sector: Craig Cammarata.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause (3)(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

#### FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104-4).

#### ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

#### APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104-1).

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

S. 362 makes the following changes to existing law:

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, 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):

#### **SECTION 2203 OF THE MARINE PLASTIC POLLUTION RESEARCH AND CONTROL ACT OF 1987**

\* \* \* \* \*

#### **SEC. 2203. COORDINATION.**

**[(a) ESTABLISHMENT OF MARINE DEBRIS COORDINATING COMMITTEE.—The Secretary of Commerce shall establish a Marine Debris Coordinating Committee.]**

*(a) ESTABLISHMENT OF INTERAGENCY MARINE DEBRIS COORDINATING COMMITTEE.—There is established an Interagency Marine*

*Debris Coordinating Committee to coordinate a comprehensive program of marine debris research and activities among Federal agencies, in cooperation and coordination with non-governmental organizations, industry, universities, and research institutions, States, Indian tribes, and other nations, as appropriate.*

\* \* \* \* \*

(c) MEETINGS.—The Committee shall meet at least twice a year to provide a *public, interagency* forum to ensure the coordination of national and international research, monitoring, education, and regulatory actions addressing the persistent marine debris problem.

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