

MARINE DEBRIS ACT AMENDMENTS OF 2012

JULY 17, 2012.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

Mr. MICA, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 1171]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 1171) to reauthorize and amend the Marine Debris Research, Prevention, and Reduction Act, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

CONTENTS

	Page
Purpose of the Legislation and Summary	3
Background and Need for the Legislation	3
Hearings	4
Legislative History and Committee Consideration	4
Committee Votes	5
Committee Oversight Findings	5
New Budget Authority and Tax Expenditures	5
Congressional Budget Office Cost Estimate	5
Performance Goals and Objectives	7
Advisory of Earmarks	7
Federal Mandates Statement	7
Preemption Clarification	7
Advisory Committee Statement	7
Applicability to the Legislative Branch	7
Section-by-Section Analysis of the Legislation	7
Changes in Existing Law Made by the Bill, as Reported	8
Additional Views	18

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 Act Amendments of 2012”.

SEC. 2. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment is expressed as an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Marine Debris Research, Prevention, and Reduction Act (33 U.S.C. 1951 et seq.), as in effect immediately before the enactment of this Act.

SEC. 3. SHORT TITLE AMENDMENT.

Section 1 (33 U.S.C. 1951 note) is amended by striking “Research, Prevention, and Reduction”.

SEC. 4. PURPOSE.

Section 2 (33 U.S.C. 1951) is amended to read as follows:

“SEC. 2. PURPOSE.

“The purpose of this Act is to address the adverse impacts of marine debris on the United States economy, the marine environment, and navigation safety through identification, determination of sources, assessment, prevention, reduction, and removal of marine debris.”.

SEC. 5. NOAA MARINE DEBRIS PROGRAM.**(a) NAME OF PROGRAM.—****(1) IN GENERAL.—**Section 3 (33 U.S.C. 1952) is amended—

(A) in the section heading by striking “**PREVENTION AND REMOVAL**”; and

(B) in subsection (a)—

(i) by striking “Prevention and Removal Program to reduce and prevent” and inserting “Program to identify, determine sources of, assess, prevent, reduce, and remove”; and

(ii) by inserting “the economy of the United States,” after “marine debris on”; and

(iii) by inserting a comma after “environment”.

(2) CONFORMING AMENDMENT.—Paragraph (7) of section 7 (33 U.S.C. 1956) is amended by striking “Prevention and Removal”.**(b) PROGRAM COMPONENTS.—**Section 3(b) (33 U.S.C. 1952(b)) is amended to read as follows:

“(b) PROGRAM COMPONENTS.—The Administrator, acting through the Program and subject to the availability of appropriations, shall—

“(1) identify, determine sources of, assess, prevent, reduce, and remove marine debris, with a focus on marine debris posing a threat to living marine resources and navigation safety;

“(2) provide national and regional coordination to assist States, Indian tribes, and regional organizations in identification, determination of sources, assessment, prevention, reduction, and removal of marine debris;

“(3) undertake 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; and

“(4) undertake outreach and education of the public and other stakeholders on sources of marine debris, threats associated with marine debris, and approaches to identify, determine sources of, assess, prevent, reduce, and remove marine debris and its adverse impacts on the United States economy, the marine environment, and navigational safety, including outreach and education activities through public-private initiatives.”.

(c) REPEAL.—Section 2204 of the Marine Plastic Pollution Research and Control Act of 1987 and the item relating to that section in the table of contents contained in section 2 of the United States-Japan Fishery Agreement Approval Act of 1987 (33 U.S.C. 1915) are repealed.**(d) GRANT CRITERIA AND GUIDELINES.—**Section 3(c) (33 U.S.C. 1952(c)) is amended—

(1) in paragraph (1), by striking “section 2(1)” and inserting “section 2”; and

(2) by repealing paragraph (5); and

(3) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6).

SEC. 6. REPEAL OF OBSOLETE PROVISIONS.

Section 4 (33 U.S.C. 1953) is amended—

- (1) by striking “(a) STRATEGY.—”; and
- (2) by repealing subsections (b) and (c).

SEC. 7. AMENDMENTS TO DEFINITIONS.

(a) INTERAGENCY MARINE DEBRIS COORDINATING COMMITTEE.—

(1) IN GENERAL.—Except as provided in subsection (b), section 2203 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1914) is redesignated and moved to replace and appear as section 5 of the Marine Debris Research, Prevention, and Reduction Act (33 U.S.C. 1954).

(2) CLERICAL AMENDMENT.—The item relating to section 2203 in the table of contents contained in section 2 of the United States-Japan Fishery Agreement Approval Act of 1987 is repealed.

(b) BIENNIAL PROGRESS REPORTS.—Section 5(c)(2) (33 U.S.C. 1954(c)(2)), as in effect immediately before the enactment of this Act—

(1) is redesignated as subsection (e) of section 5, as redesignated and moved by the amendment made by subsection (a) of this section; and

(2) is amended—

(A) by striking “ANNUAL PROGRESS REPORTS.—” and all that follows through “thereafter” and inserting “BIENNIAL PROGRESS REPORTS.—Biennially”;

(B) by inserting “Natural” before “Resources”;

(C) by redesignating subparagraphs (A) through (E) as paragraphs (1) through (5) of such subsection; and

(D) by moving such subsection 2 ems to the left.

SEC. 8. CONFIDENTIALITY OF SUBMITTED INFORMATION.

Section 6(2) (33 U.S.C. 1955(2)) is amended by striking “by the fishing industry”.

SEC. 9. MARINE DEBRIS DEFINITION.

Section 7 (33 U.S.C. 1956) is amended—

(1) by redesignating paragraph (3) as paragraph (9), and moving such paragraph to appear after paragraph (8); and

(2) by inserting after paragraph (2) the following:

“(3) MARINE DEBRIS.—The term ‘marine debris’ means any persistent solid material that is manufactured or processed and directly or indirectly, and intentionally or unintentionally, disposed of or abandoned into the marine environment or the Great Lakes.”.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

Section 9 (33 U.S.C. 1958) is amended—

(1) by striking “are” and inserting “is”;

(2) by striking “2006 through 2010” and all that follows through “(1)” and inserting “through fiscal year 2015”;

(3) in paragraph (1), by striking “\$10,000,000” and inserting “\$4,900,000”; and

(4) by striking “; and” and all that follows through the end of paragraph (2) and inserting a period.

PURPOSE OF THE LEGISLATION AND SUMMARY

H.R. 1171, the Marine Debris Act Amendments of 2012, makes several improvements to the Marine Debris Research, Prevention, and Reduction Act (Public Law 109–449) and authorizes the National Oceanic and Atmospheric Administration’s (NOAA) Marine Debris Program at currently appropriated levels through fiscal year 2015.

BACKGROUND AND NEED FOR LEGISLATION

The Marine Debris Research, Prevention, and Reduction Act (the Act) (Public Law 109–449), was signed into law on December 22, 2006. The Act authorized \$10 million annually through fiscal year 2010 for NOAA to implement a program to map, identify, and conduct impact assessments of marine debris; undertake activities to remove and prevent marine debris; conduct public outreach activities to increase awareness of problems associated with marine debris; as well as research and develop alternatives to fishing gear

which can pose threats to the marine environment when discarded or lost. The Act also authorized \$2 million annually through fiscal year 2010 for the Coast Guard to carry out enforcement of MARPOL Annex 5, which prohibits the at-sea discharge of plastic and trash from vessels. Finally, the Act authorized the Coast Guard to take action to improve international coordination and set up a voluntary program to report locations of marine debris and the hazards it may present to navigation.

Marine Debris is currently defined for the purpose of the Marine Debris Research, Prevention, and Reduction Act as “any persistent solid material that is manufactured or processed and directly or indirectly, intentionally or unintentionally, disposed of or abandoned into the marine environment or the Great Lakes.” Marine debris poses a threat to the environment and to the safety of those transiting our nation’s waters. Plastic items, ropes, and other objects can ensnare, maim, and cause starvation if ingested by wildlife. These items can also entangle boat propellers and clog water intakes on vessels and at industrial facilities. Larger pieces of marine debris, including abandoned vessels, derelict fishing gear, and lost cargo containers and their contents, can crush coral and other wildlife and pose a threat to safe navigation.

Marine debris impacts the economy as well. The maritime sector suffers lost productivity when marine debris threatens safe navigation or causes damage to vessels. Commercial fishermen lose millions annually due to derelict fishing gear. Marine debris that washes up on our nation’s shorelines can cause beach closures, which cost local tourist-based economies billions annually.

H.R. 1171 makes several amendments to the Marine Debris Research, Prevention, and Reduction Act which will improve implementation of NOAA’s Marine Debris Program. The bill clarifies the purpose of NOAA’s Marine Debris Program, improves reporting requirements, and makes other technical and clarifying changes which will enhance NOAA’s ability to combat marine debris.

HEARINGS

On July 16, 2011, the Subcommittee on Coast Guard and Maritime Transportation held a hearing on “How to Improve Operations and Implement Efficiencies for the United States Coast Guard.” H.R. 1171 was among the topics discussed at the hearing.

LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

On March 17, 2011, Representative Farr introduced H.R. 1171, the Marine Debris Act Reauthorization Amendments of 2011. On June 7, 2012, the Committee on Transportation and Infrastructure met in open session to consider H.R. 1171, and ordered the bill, as amended, reported favorably to the House of Representatives by voice vote with a quorum present. Amendments were offered by Mr. LoBiondo and Mr. Larsen. Mr. LoBiondo offered a substitute amendment that authorized funding for NOAA’s Marine Debris Program at fiscal year 2012 appropriated levels through fiscal year 2015 and made other technical and clarifying changes to the bill. Mr. Larsen offered an amendment to the LoBiondo substitute amendment to increase the level of authorized funding to \$10 million for each fiscal year through fiscal year 2015. The Larsen

amendment to the amendment failed on voice vote. The LoBiondo substitute amendment passed by voice vote.

COMMITTEE 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 recorded 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. During consideration of H.R. 1171, no recorded votes were taken. The bill, as amended, was reported favorably to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS

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

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974, included below.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

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 H.R. 1171 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 19, 2012.

Hon. JOHN L. MICA,
*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 H.R. 1171, the Marine Debris Act Amendments of 2012.

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

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

H.R. 1171—Marine Debris Act Amendments of 2012

Summary: H.R. 1171 would reauthorize and amend the Marine Debris Research, Prevention, and Reduction Act. The bill would authorize the appropriation of \$4.9 million annually through 2015 for the National Oceanic and Atmospheric Administration (NOAA) to carry out activities to reduce the amount of marine debris (such as plastic and lost fishing gear) in oceans and coastal areas.

Assuming appropriation of the authorized amounts, CBO estimates that implementing the legislation would cost \$15 million over the 2013–2017 period. Enacting H.R. 1171 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 1171 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 1171 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	2013	2014	2015	2016	2017	2013–2017
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Authorization Level	5	5	5	0	0	15
Estimated Outlays	3	4	5	2	1	15

Basis of estimate: For this estimate, CBO assumes that H.R. 1171 will be enacted before the end of 2012 and that the authorized amounts will be appropriated for each fiscal year. Estimated outlays are based on historical spending patterns for similar NOAA activities.

H.R. 1171 would authorize the appropriation of \$4.9 million a year through 2015 for NOAA to carry out the Marine Debris Program. In 2011, NOAA spent about \$4 million to carry out activities related to the program. Assuming appropriation of the authorized amounts, CBO estimates that implementing the legislation would cost about \$15 million over the 2013–2017 period.

Pay-As-You-Go considerations: None.

Intergovernmental and private-sector impact: H.R. 1171 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Previous CBO estimates: On November 21, 2011, CBO transmitted a cost estimate for S. 1119, the Trash Free Seas Act of 2011, as ordered reported by the Senate Committee on Commerce, Science, and Transportation on November 2, 2011. S. 1119 would authorize the appropriation of \$12 million a year over the 2012–2016 period for NOAA and the U.S. Coast Guard to carry out activities related to the Marine Debris Program. H.R. 1171 would authorize the appropriation of \$4.9 million a year through 2015 for NOAA to carry out activities related to that program. The CBO cost estimates for the two bills reflect those differences.

On June 19, 2012, CBO transmitted a cost estimate for H.R. 1171 as ordered reported by the House Committee on Natural Resources on June 7, 2012. The two versions of H.R. 1171 are similar and the CBO cost estimates are the same.

Estimate prepared by: Federal costs: Jeff LaFave; Impact on state, local, and tribal governments: Melissa Merrell; Impact on the private sector: Amy Petz.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objectives of this legislation are to address the adverse impacts of marine debris on the United States economy, the marine environment, and navigation safety.

ADVISORY OF EARMARKS

In compliance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 1171 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of rule XXI.

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).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states that H.R. 1171 does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committee within the meaning of section 5(b) of the Federal Advisory Committee Act was 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).

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

“Marine Debris Act of 2012”.

Section 2. References

Section 2 clarifies that all amendments included in the bill are intended to amend the Marine Debris Research, Prevention, and Reduction Act (Public Law 109–449).

Section 3. Short title amendment

Section 3 amends the title of the “Marine Debris Research, Prevention, and Reduction Act” to the “Marine Debris Act”.

Section 4. Purpose

Section 4 clarifies the purpose of the “Marine Debris Act”.

Section 5. NOAA Marine Debris Program

Section 5 makes clarifying changes to NOAA's Marine Debris Program and repeals a similar program which was created in 1987, but never received funding.

Section 6. Repeal of obsolete provision

Section 6 repeals a reporting requirement for the Coast Guard regarding the implementation of MARPOL Annex V. The report was completed and submitted to Congress.

Section 7. Amendments to definitions

Section 7 incorporates existing authority for the Interagency Marine Debris Coordinating Committee (IMDCC) into the Marine Debris Act. The section also streamlines reporting requirements for the IMDCC.

Section 8. Confidentiality of submitted information

Section 8 ensures the confidentiality of information provided to the Administrator of NOAA for the purposes of maintaining the Federal information clearinghouse on marine debris. Currently, the assurance of confidentiality applies only to data provided by the fishing industry. This provision assures confidentiality of all data provided not only by the fishing industry, but also by any other industry or trade association.

Section 9. Marine debris definition

Section 9 incorporates the regulatory definition of marine debris into law. In 2006, Congress directed NOAA to prepare this definition.

Section 10. Authorization of appropriations

Section 10 authorizes appropriations for NOAA's Marine Debris Program at \$4.9 million for each fiscal year through fiscal year 2015. \$4.9 million is the fiscal year 2012 appropriated level.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

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):

**MARINE DEBRIS RESEARCH, PREVENTION, AND
REDUCTION ACT**

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 safety;

[(2) to reactivate the Interagency Marine Debris Coordinating Committee; and

[(3) to develop a Federal marine debris information clearing-house.]

SEC. 2. PURPOSE.

The purpose of this Act is to address the adverse impacts of marine debris on the United States economy, the marine environment, and navigation safety through identification, determination of sources, assessment, prevention, reduction, and removal of marine debris.

SEC. 3. NOAA MARINE DEBRIS [PREVENTION AND REMOVAL] PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—There is established, within the National Oceanic and Atmospheric Administration, a Marine Debris [Prevention and Removal Program to reduce and prevent] *Program to identify, determine sources of, assess, prevent, reduce, and remove the occurrence and adverse impacts of marine debris on the economy of the United States, 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).]

(b) *PROGRAM COMPONENTS.—The Administrator, acting through the Program and subject to the availability of appropriations, shall—*

(1) identify, determine sources of, assess, prevent, reduce, and remove marine debris, with a focus on marine debris posing a threat to living marine resources and navigation safety;

(2) provide national and regional coordination to assist States, Indian tribes, and regional organizations in identification, determination of sources, assessment, prevention, reduction, and removal of marine debris;

(3) undertake 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; and

(4) undertake outreach and education of the public and other stakeholders on sources of marine debris, threats associated with marine debris, and approaches to identify, determine sources of, assess, prevent, reduce, and remove marine debris and its adverse impacts on the United States economy, the marine environment, and navigational safety, including outreach and education activities through public-private initiatives.

(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)] section 2.

* * * * *

[(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)] (5) PROJECT REVIEW AND APPROVAL.—The Administrator shall—

(A) * * *

* * * * *

[(7)] (6) 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) * * *

* * * * *

[(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 Transportation 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 rec-

ommendations 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 Infrastructure 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. 5. COORDINATION.

(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.*

(b) *MEMBERSHIP.*—*The Committee shall include a senior official from—*

(1) *the National Oceanic and Atmospheric Administration, who shall serve as the Chairperson of the Committee;*

(2) *the Environmental Protection Agency;*

(3) *the United States Coast Guard;*

(4) *the United States Navy; and*

(5) *such other Federal agencies that have an interest in ocean issues or water pollution prevention and control as the Secretary of Commerce determines 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.*

(d) **MONITORING.**—*The Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, in cooperation with the Administrator of the Environmental Protection Agency, shall utilize the marine debris data derived under title V of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 2801 et seq.) to assist—*

(1) the Committee in ensuring coordination of research, monitoring, education and regulatory actions; and

(2) the United States Coast Guard in assessing the effectiveness of this Act and the Act to Prevent Pollution from Ships in ensuring compliance under section 2201.

[(2) **ANNUAL PROGRESS REPORTS.**—Not later than 3 years after the date of the enactment of this Act, and biennially thereafter] (e) **BIENNIAL PROGRESS REPORTS.**—*Biennially, 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 Infrastructure and the Committee on Natural 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)] (1) *the status of implementation of any recommendations and strategies of the Interagency Committee and analysis of their effectiveness;*

[(B)] (2) *a summary of the marine debris inventory to be maintained by the National Oceanic and Atmospheric Administration;*

[(C)] (3) *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)] (4) *a review of Coast Guard programs and accomplishments relating to marine debris removal, including enforcement and compliance with MARPOL requirements; and*

[(E)] (5) *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) * * *

(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) * * *

* * * * *

(3) *MARINE DEBRIS.*—The term “marine debris” means any persistent solid material that is manufactured or processed and directly or indirectly, and intentionally or unintentionally, disposed of or abandoned into the marine environment or the Great Lakes.

* * * * *

(7) *PROGRAM.*—The term “Program” means the Marine Debris [Prevention and Removal] Program established under section 3.

* * * * *

[(3)] (9) *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.

* * * * *

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

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

[(1)] *through fiscal year 2015* to the Administrator for carrying out sections 3 and 6, [\$10,000,000] \$4,900,000, 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 section 4, \$2,000,000, of which no more than 10 percent may be used for administrative costs.].

UNITED STATES-JAPAN FISHERY AGREEMENT APPROVAL ACT OF 1987MARINE PLASTIC POLLUTION RESEARCH AND CONTROL ACT OF 1987

* * * * *

SEC. 2. TABLE OF CONTENTS.

The contents of this Act are as follows:

* * * * *

TITLE II—PLASTIC POLLUTION RESEARCH AND CONTROL

Subtitle B—Studies and Report

* * * * *

[Sec. 2203. Effects of plastic materials on the marine environment.

[Sec. 2204. Plastic pollution public education program.]

* * * * *

TITLE II—PLASTIC POLLUTION RESEARCH AND CONTROL

SEC. 2001. SHORT TITLE.

This title may be cited as the “Marine Plastic Pollution Research and Control Act of 1987”.

* * * * *

SEC. 2203. COORDINATION.

[(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.

[(b) MEMBERSHIP.—The Committee shall include a senior official from—

[(1) the National Oceanic and Atmospheric Administration, who shall serve as the Chairperson of the Committee;

[(2) the Environmental Protection Agency;

[(3) the United States Coast Guard;

[(4) the United States Navy; and

[(5) such other Federal agencies that have an interest in ocean issues or water pollution prevention and control as the Secretary of Commerce determines 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.

[(d) MONITORING.—The Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, in cooperation with the Administrator of the Environmental Protection Agency, shall utilize the marine debris data derived under title V of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 2801 et seq.) to assist—

[(1) the Committee in ensuring coordination of research, monitoring, education and regulatory actions; and

[(2) the United States Coast Guard in assessing the effectiveness of this Act and the Act to Prevent Pollution from Ships in ensuring compliance under section 2201.

SEC. 2204. PLASTIC POLLUTION PUBLIC EDUCATION PROGRAM.

[(a) OUTREACH PROGRAM.—

[(1) IN GENERAL.—Not later than April 1, 1988, the Administrator of the National Oceanic and Atmospheric Administration and the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall jointly commence and thereafter conduct a public outreach program to educate the public (including recreational boaters, fishermen, and other users of the marine environment) regarding—

[(A) the harmful effects of plastic pollution;

[(B) the need to reduce such pollution;

[(C) the need to recycle plastic materials;

[(D) the need to reduce the quantity of plastic debris in the marine environment; and

[(E) the requirements under this Act and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) with respect to ships and ports, and the authority of citizens to report violations of this Act and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.).

[(2) AUTHORIZED ACTIVITIES.—

[(A) PUBLIC OUTREACH PROGRAM.—A public outreach program under paragraph (1) may include—

[(i) developing and implementing a voluntary boaters' pledge program;

[(ii) workshops with interested groups;

[(iii) public service announcements;

[(iv) distribution of leaflets and posters; and

[(v) any other means appropriate to educating the public.

[(B) GRANTS AND COOPERATIVE AGREEMENTS.—To carry out this section, the Secretary of the department in which the Coast Guard is operating, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency are authorized to award grants, enter into cooperative agreements with appropriate officials of other Federal agencies and agencies of States and political subdivisions of States and with public and private entities, and provide other financial assistance to eligible recipients.

[(C) CONSULTATION.—In developing outreach initiatives for groups that are subject to the requirements of this title and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), the Secretary of the department in which the Coast Guard is operating, in consultation with the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, and the Administrator of the Environmental Protection Agency, shall consult with—

[(i) the heads of State agencies responsible for implementing State boating laws; and

[(ii) the heads of other enforcement agencies that regulate boaters or commercial fishermen.

[(b) CITIZEN POLLUTION PATROLS.—The Secretary of Commerce, along with the Administrator of the Environmental Protection Agency and the Secretary of the Department in which the Coast Guard is operating, shall conduct a program to encourage the formation of volunteer groups, to be designated as "Citizen Pollution Patrols", to assist in monitoring, reporting, cleanup, and prevention of ocean and shoreline pollution.]

* * * * *

ADDITIONAL VIEWS

Marine debris, defined as any persistent solid material that is manufactured or processed and directly or indirectly, intentionally or unintentionally, disposed of or abandoned into the marine environment or the Great Lakes, is an environmental threat that is at once both ubiquitous in distribution yet nebulous to the average citizen. This characterization can be attributed to two simple factors. First, although no comprehensive abundance assessment has been compiled, marine debris can be found across every ocean and coastal region worldwide. Second, because marine debris is widely dispersed, impacts are felt locally and often escape the attention of national or even regional media attention. As such, overall public awareness of marine debris regarding its origins and sources, economic and environmental impacts, and costs to society remains poorly understood among the U.S. general public.

From this perspective a person might begin to understand the motives of the Republican majority who supported ill-advised language included in the manager's amendment to H.R. 1171 to cut in one-half the authorized annual funding level to support the National Oceanic and Atmospheric Administration's Marine Debris Program to just \$4.9 million. When Congress passed the Marine Debris Research, Prevention, and Reduction Act in 2006 (the Act), our comprehension of the scope, costs, and impacts of marine debris was nascent. The authorized funding level of \$10 million was viewed as an appropriate amount to stand up a new program and to build a firm foundation to evaluate future needs to address the threat. There was no debate that this funding level was a prudent first step.

Today, we have a much better understanding of marine debris, its sources, persistence in the environment, and negative impacts on wildlife and habitat, and the challenges and costs in preventing its introduction to and subsequent removal from the marine environment. Cumulatively, marine debris adds up to a far greater challenge, affecting far more communities, and costing much more to address than estimated six years earlier. All of this information invalidates the Republican majority's view that less funding should be authorized; to the contrary, a compelling case can be made that the existing authorized funding level is itself woefully insufficient and only affirms that the Committee acted imprudently to cut authorized funding levels.

First, we have learned that marine debris is a much larger and growing problem than first thought. Since 2006, as required under the Act, the National Oceanic and Atmospheric Administration (NOAA), the Coast Guard, other Federal agencies, and a wide range of domestic and international, government and non-governmental partners have monitored, researched, and tracked marine debris. Our knowledge and comprehension of the scope of this

threat has thus dramatically improved. A report released in December 2011 by the Scientific and Technical Advisory Panel to the U.N. Global Environment Facility affirms that “marine habitats worldwide are contaminated with man-made debris” and notes that “emerging data on potential impacts and fate of marine debris makes a strong case for considering marine debris as a global environment problem.” These statements reflect the near unanimous consensus among marine scientists. Moreover, we also know that we will assuredly encounter far more, not far less, marine debris in the foreseeable future. In fact, NOAA models predict that marine debris emanating from the 2011 Japanese tsunami—a volume estimated by the Government of Japan to be 1.5 million tons—will be washing up along the U.S. Pacific Coast for several years.

Second, we have learned that marine debris is very costly, both for the economy and environment. Impact data gathered in the U.S. and abroad indicate that fishing, transportation, and tourism sectors, as well as governments and local communities, suffer from negative economic and financial impacts of marine debris. Marine debris is unsightly and unwelcoming to beachgoers, which can result in lost tourism revenue. This impact has led Los Angeles County to spend \$18 million annually on debris removal, prevention, and education efforts. Overseas, the Netherlands and Belgium spend approximately \$13.65 million per year to remove beach litter, roughly one-half of the \$23.6 million spent annually in Great Britain. Marine debris is also a significant ongoing navigational hazard for shipping, as reflected in the increasing number of Coast Guard rescues to vessels with fouled propellers or plugged water intakes. More locally in Washington State, total annual loss of Dungeness crab due to derelict fishing gear in Puget Sound has been estimated at \$1.2 million which represents 30 to 40 percent of the annual commercial catch. NOAA also reports that derelict gill nets removed from Puget Sound between 2004 and 2007 were estimated to have killed commercial and recreational species valued at approximately \$1.06 million. These examples, while just snapshots, clearly frame the economic and environmental impacts caused by marine debris.

Third, we have learned that marine debris is very expensive to clean up. The Northwest Straits Marine Conservation Initiative in Washington State used a 2009 Federal grant of \$4.6 million to remove 2,493 derelict gill nets from Puget Sound, at a cost of \$1,845 per net. The Ocean Conservancy reports that the average cost to clean up a ton of marine debris washed up on a mainland beach ranges from \$1,666 to \$2,500 per ton. In addition, the National Fish and Wildlife Foundation reports that, since 2008, the Fishing for Energy Program a waste to energy partnership—has disposed of more than 700 tons of obsolete or derelict gear from high impact port areas nationwide. This volume equates to removal costs between \$11.7 and \$17.5 million for debris removed by this one initiative alone. In remote areas, debris removal costs can escalate dramatically. In testimony before a Senate subcommittee earlier this year, a NOAA witness relayed that it cost NOAA \$1.2 million to remove just one 30-foot derelict sailboat run aground on Kure Atoll within the Northwest Hawaiian Islands. Furthermore, Gulf of Alaska Keeper, a public, non-profit organization that coordinates ma-

rine debris removal projects in Alaska, has recommended Congress appropriate no less than \$50 million to assist Alaskan communities dealing with the removal of Japanese tsunami debris. California, Oregon, Washington and Hawaii are presently developing their own plans and funding requests to deal with this debris that will continue to be a persistent threat for years to come.

In closing, all factors affirm that marine debris is a global problem with costly impacts that are expensive to address. More, not fewer, communities and marine dependent industries will have to cope with marine debris, especially communities located on the Pacific Coast. Yet, contrary to the evidence, the Republican majority has chosen to cut funding to support the one Federal program devoted exclusively to providing invaluable financial and technical assistance to local communities to address this threat. We have abdicated our responsibility to recommend funding levels that are commensurate with the demonstrated need in favor of the Republican ideology to cut Federal spending regardless of the circumstances. As a result, States and communities will see far fewer resources available to remove marine debris and will have to endure the brunt of the impact alone. This is unfortunate, and should this bill go forward to a conference with the Senate, these cuts should be reconsidered.

RICK LARSEN.

