

109TH CONGRESS
2^D SESSION

S. 362

AMENDMENT

In the House of Representatives, U. S.,

September 27, 2006.

Resolved, That the bill from the Senate (S. 362) entitled “An Act to establish a program within the National 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”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

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

4 ***SEC. 2. PURPOSES.***

5 *The purposes of this Act are—*

6 *(1) to help identify, determine sources of, assess,*
7 *reduce, and prevent marine debris and its adverse im-*
8 *acts on the marine environment and navigation*
9 *safety;*

- 1 (2) *to reactivate the Interagency Marine Debris*
 2 *Coordinating Committee; and*
- 3 (3) *to develop a Federal marine debris informa-*
 4 *tion clearinghouse.*

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

7 (a) *ESTABLISHMENT OF PROGRAM.*—*There is estab-*
 8 *lished, within the National Oceanic and Atmospheric Ad-*
 9 *ministration, a Marine Debris Prevention and Removal*
 10 *Program to reduce and prevent the occurrence and adverse*
 11 *impacts of marine debris on the marine environment and*
 12 *navigation safety.*

13 (b) *PROGRAM COMPONENTS.*—*The Administrator, act-*
 14 *ing through the Program and subject to the availability of*
 15 *appropriations, shall carry out the following activities:*

16 (1) *MAPPING, IDENTIFICATION, IMPACT ASSESS-*
 17 *MENT, REMOVAL, AND PREVENTION.*—*The Adminis-*
 18 *trator shall, in consultation with relevant Federal*
 19 *agencies, undertake marine debris mapping, identi-*
 20 *fication, impact assessment, prevention, and removal*
 21 *efforts, with a focus on marine debris posing a threat*
 22 *to living marine resources and navigation safety, in-*
 23 *cluding—*

24 (A) *the establishment of a process, building*
 25 *on existing information sources maintained by*

1 *Federal agencies such as the Environmental Pro-*
2 *tection Agency and the Coast Guard, for cata-*
3 *loguing and maintaining an inventory of ma-*
4 *rine debris and its impacts found in the navi-*
5 *gable waters of the United States and the United*
6 *States exclusive economic zone, including loca-*
7 *tion, material, size, age, and origin, and impacts*
8 *on habitat, living marine resources, human*
9 *health, and navigation safety;*

10 *(B) measures to identify the origin, loca-*
11 *tion, and projected movement of marine debris*
12 *within United States navigable waters, the*
13 *United States exclusive economic zone, and the*
14 *high seas, including the use of oceanographic, at-*
15 *mospheric, satellite, and remote sensing data;*
16 *and*

17 *(C) development and implementation of*
18 *strategies, methods, priorities, and a plan for*
19 *preventing and removing marine debris from*
20 *United States navigable waters and within the*
21 *United States exclusive economic zone, including*
22 *development of local or regional protocols for re-*
23 *moval of derelict fishing gear and other marine*
24 *debris.*

1 (2) *REDUCING AND PREVENTING LOSS OF*
 2 *GEAR.—The Administrator shall improve efforts to re-*
 3 *duce adverse impacts of lost and discarded fishing*
 4 *gear on living marine resources and navigation safe-*
 5 *ty, including—*

6 (A) *research and development of alter-*
 7 *natives to gear posing threats to the marine en-*
 8 *vironment, and methods for marking gear used*
 9 *in specific fisheries to enhance the tracking, re-*
 10 *covery, and identification of lost and discarded*
 11 *gear; and*

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

16 (3) *OUTREACH.—The Administrator shall under-*
 17 *take outreach and education of the public and other*
 18 *stakeholders, such as the fishing industry, fishing gear*
 19 *manufacturers, and other marine-dependent indus-*
 20 *tries, and the plastic and waste management indus-*
 21 *tries, on sources of marine debris, threats associated*
 22 *with marine debris and approaches to identify, deter-*
 23 *mine sources of, assess, reduce, and prevent marine*
 24 *debris and its adverse impacts on the marine environ-*
 25 *ment and navigational safety, including outreach and*

1 *education activities through public-private initiatives.*
 2 *The Administrator shall coordinate outreach and edu-*
 3 *cation activities under this paragraph with any out-*
 4 *reach programs conducted under section 2204 of the*
 5 *Marine Plastic Pollution Research and Control Act of*
 6 *1987 (33 U.S.C. 1915).*

7 *(c) GRANTS, COOPERATIVE AGREEMENTS, AND CON-*
 8 *TRACTS.—*

9 *(1) IN GENERAL.—The Administrator, acting*
 10 *through the Program, shall enter into cooperative*
 11 *agreements and contracts and provide financial as-*
 12 *sistance in the form of grants for projects to accom-*
 13 *plish the purpose set forth in section 2(1).*

14 *(2) GRANT COST SHARING REQUIREMENT.—*

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

22 *(B) WAIVER.—The Administrator may*
 23 *waive all or part of the matching requirement*
 24 *under subparagraph (A) if the Administrator de-*
 25 *termines that no reasonable means are available*

1 *through which applicants can meet the matching*
 2 *requirement and the probable benefit of such*
 3 *project outweighs the public interest in such*
 4 *matching requirement.*

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

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

16 (B) *OTHER DECREES AND ORDERS.—The*
 17 *non-Federal share of the cost of a project carried*
 18 *out under this Act may not include any money*
 19 *paid pursuant to, or the value of any in-kind*
 20 *service performed under, any other administra-*
 21 *tive order or court order.*

22 (4) *ELIGIBILITY.—Any State, local, or tribal*
 23 *government whose activities affect research or regula-*
 24 *tion of marine debris, and any institution of higher*
 25 *education, nonprofit organization, or commercial or-*

ganization 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—

1 (A) review each marine debris project pro-
 2 posal to determine if it meets the grant criteria
 3 and supports the goals of this Act;

4 (B) after considering any written comments
 5 and recommendations based on the review, ap-
 6 prove or disapprove the proposal; and

7 (C) provide notification of that approval or
 8 disapproval to the person who submitted the pro-
 9 posal.

10 (7) *PROJECT REPORTING.*—Each grantee under
 11 this section shall provide periodic reports as required
 12 by the Administrator. Each report shall include all
 13 information required by the Administrator for evalu-
 14 ating the progress and success in meeting its stated
 15 goals, and impact of the grant activities on the ma-
 16 rine debris problem.

17 **SEC. 4. COAST GUARD PROGRAM.**

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

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

1 (2) take actions to cost-effectively monitor and
2 enforce compliance with MARPOL Annex V and the
3 Act to Prevent Pollution from Ships (33 U.S.C. 1901
4 et seq.), including through cooperation and coordina-
5 tion with other Federal and State enforcement pro-
6 grams;

7 (3) take actions to improve compliance with re-
8 quirements under MARPOL Annex V and section 6
9 of the Act to Prevent Pollution from Ships (33 U.S.C.
10 1905) that all United States ports and terminals
11 maintain and monitor the adequacy of receptacles for
12 the disposal of plastics and other garbage, including
13 through promoting voluntary government-industry
14 partnerships;

15 (4) develop and implement a plan, in coordina-
16 tion with industry and recreational boaters, to im-
17 prove ship-board waste management, including rec-
18 ordkeeping, and access to waste reception facilities for
19 ship-board waste;

20 (5) take actions to improve international co-
21 operation to reduce marine debris; and

22 (6) establish a voluntary reporting program for
23 commercial vessel operators and recreational boaters
24 to report incidents of damage to vessels and interrup-
25 tion of navigation caused by marine debris, and ob-

1 served violations of laws and regulations relating to
2 the disposal of plastics and other marine debris.

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

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

12 (1) *IN GENERAL*.—The Commandant of the
13 Coast Guard shall enter into an arrangement with the
14 National Research Council under which the National
15 Research Council shall submit, by not later than 18
16 months after the date of the enactment of this Act and
17 in consultation with the Commandant and the Inter-
18 agency Committee, to the Committee on Commerce,
19 Science, and Transportation of the Senate and the
20 Committee on Transportation and Infrastructure of
21 the House of Representatives a comprehensive report
22 on the effectiveness of international and national
23 measures to prevent and reduce marine debris and its
24 impact.

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

3 (A) *an evaluation of international and do-*
 4 *mestic implementation of MARPOL Annex V*
 5 *and the Act to Prevent Pollution from Ships (33*
 6 *U.S.C. 1901 et seq.) and recommendations of*
 7 *cost-effective actions to improve implementation*
 8 *and compliance with such measures to reduce*
 9 *impacts of marine debris;*

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

15 (C) *evaluation of the role of floating fish ag-*
 16 *gregation devices in the generation of marine de-*
 17 *bris and existing legal mechanisms to reduce im-*
 18 *pacts of such debris, focusing on impacts in the*
 19 *Western Pacific and Central Pacific regions.*

20 **SEC. 5. INTERAGENCY COORDINATION.**

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

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

3 “(a) *ESTABLISHMENT OF INTERAGENCY MARINE DE-*
 4 *BRIS COORDINATING COMMITTEE.*—*There is established an*
 5 *Interagency Marine Debris Coordinating Committee to co-*
 6 *ordinate a comprehensive program of marine debris re-*
 7 *search and activities among Federal agencies, in coopera-*
 8 *tion and coordination with non-governmental organiza-*
 9 *tions, industry, universities, and research institutions,*
 10 *States, Indian tribes, and other nations, as appropriate.”;*
 11 *and*

12 (2) *in subsection (c), by inserting “public, inter-*
 13 *agency” before “forum”.*

14 (b) *DEFINITION OF MARINE DEBRIS.*—*The Adminis-*
 15 *trator and the Commandant of the Coast Guard, in con-*
 16 *sultation with the Interagency Committee established under*
 17 *subsection (a), shall jointly develop and promulgate through*
 18 *regulations a definition of the term “marine debris” for*
 19 *purposes of this Act.*

20 (c) *REPORTS.*—

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

23 (A) *IN GENERAL.*—*Not later than 12*
 24 *months after the date of the enactment of this*
 25 *Act, the Interagency Committee, through the*

1 *chairperson, shall complete and submit to the*
 2 *Committee on Commerce, Science, and Transpor-*
 3 *tation of the Senate and the Committee on*
 4 *Transportation and Infrastructure and the Com-*
 5 *mittee on Resources of the House of Representa-*
 6 *tives a report that—*

7 *(i) identifies sources of marine debris;*

8 *(ii) the ecological and economic impact*
 9 *of marine debris;*

10 *(iii) alternatives for reducing, miti-*
 11 *gating, preventing, and controlling the*
 12 *harmful affects of marine debris;*

13 *(iv) the social and economic costs and*
 14 *benefits of such alternatives; and*

15 *(v) recommendations to reduce marine*
 16 *debris both domestically and internation-*
 17 *ally.*

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

20 *(i) establishing priority areas for ac-*
 21 *tion to address leading problems relating to*
 22 *marine debris;*

23 *(ii) developing strategies and ap-*
 24 *proaches to prevent, reduce, remove, and*

1 *dispose of marine debris, including through*
 2 *private-public partnerships;*

3 *(iii) establishing effective and coordi-*
 4 *nated education and outreach activities;*
 5 *and*

6 *(iv) ensuring Federal cooperation with,*
 7 *and assistance to, the coastal States (as that*
 8 *term is defined in section 304 of the Coastal*
 9 *Zone Management Act of 1972 (16 U.S.C.*
 10 *1453)), Indian tribes, and local govern-*
 11 *ments in the identification, determination*
 12 *of sources, prevention, reduction, manage-*
 13 *ment, mitigation, and control of marine de-*
 14 *bris and its adverse impacts.*

15 *(2) ANNUAL PROGRESS REPORTS.—Not later*
 16 *than 3 years after the date of the enactment of this*
 17 *Act, and biennially thereafter, the Interagency Com-*
 18 *mittee, through the chairperson, shall submit to the*
 19 *Committee on Commerce, Science, and Transpor-*
 20 *tation of the Senate and the Committee on Transpor-*
 21 *tation and Infrastructure and the Committee on Re-*
 22 *sources of the House of Representatives a report that*
 23 *evaluates United States and international progress in*
 24 *meeting the purpose of this Act. The report shall in-*
 25 *clude—*

1 (A) the status of implementation of any rec-
 2 ommendations and strategies of the Interagency
 3 Committee and analysis of their effectiveness;

4 (B) a summary of the marine debris inven-
 5 tory to be maintained by the National Oceanic
 6 and Atmospheric Administration;

7 (C) a review of the National Oceanic and
 8 Atmospheric Administration program authorized
 9 by section 3, including projects funded and ac-
 10 complishments relating to reduction and preven-
 11 tion of marine debris;

12 (D) a review of Coast Guard programs and
 13 accomplishments relating to marine debris re-
 14 moval, including enforcement and compliance
 15 with MARPOL requirements; and

16 (E) estimated Federal and non-Federal
 17 funding provided for marine debris and rec-
 18 ommendations for priority funding needs.

19 **SEC. 6. FEDERAL INFORMATION CLEARINGHOUSE.**

20 The Administrator, in coordination with the Inter-
 21 agency Committee, shall—

22 (1) maintain a Federal information clearing-
 23 house on marine debris that will be available to re-
 24 searchers and other interested persons to improve ma-
 25 rine debris source identification, data sharing, and

1 *monitoring efforts through collaborative research and*
 2 *open sharing of data; and*

3 (2) *take the necessary steps to ensure the con-*
 4 *fidentiality of such information (especially propri-*
 5 *etary information), for any information required by*
 6 *the Administrator to be submitted by the fishing in-*
 7 *dustry under this section.*

8 **SEC. 7. DEFINITIONS.**

9 *In this Act:*

10 (1) *ADMINISTRATOR.*—*The term “Adminis-*
 11 *trator” means the Administrator of the National Oce-*
 12 *anic and Atmospheric Administration.*

13 (2) *INTERAGENCY COMMITTEE.*—*The term*
 14 *“Interagency Committee” means the Interagency Ma-*
 15 *rine Debris Coordinating Committee established*
 16 *under section 2203 of the Marine Plastic Pollution*
 17 *Research and Control Act of 1987 (33 U.S.C. 1914).*

18 (3) *UNITED STATES EXCLUSIVE ECONOMIC*
 19 *ZONE.*—*The term “United States exclusive economic*
 20 *zone” means the zone established by Presidential*
 21 *Proclamation Numbered 5030, dated March 10, 1983,*
 22 *including the ocean waters of the areas referred to as*
 23 *“eastern special areas” in article 3(1) of the Agree-*
 24 *ment between the United States of America and the*

1 *Union of Soviet Socialist Republics on the Maritime*
 2 *Boundary, signed June 1, 1990.*

3 (4) *MARPOL; ANNEX V; CONVENTION.—The*
 4 *terms “MARPOL”, “Annex V”, and “Convention”*
 5 *have the meaning given those terms under section*
 6 *2(a) of the Act to Prevent Pollution from Ships (33*
 7 *U.S.C. 1901(a)).*

8 (5) *NAVIGABLE WATERS.—The term “navigable*
 9 *waters” means waters of the United States, including*
 10 *the territorial sea.*

11 (6) *TERRITORIAL SEA.—The term “territorial*
 12 *sea” means the waters of the United States referred*
 13 *to in Presidential Proclamation No. 5928, dated De-*
 14 *cember 27, 1988.*

15 (7) *PROGRAM.—The term “Program” means the*
 16 *Marine Debris Prevention and Removal Program es-*
 17 *tablished under section 3.*

18 (8) *STATE.—The term “State” means—*

19 (A) *any State of the United States that is*
 20 *impacted by marine debris within its seaward or*
 21 *Great Lakes boundaries;*

22 (B) *the District of Columbia;*

23 (C) *American Samoa, Guam, the Northern*
 24 *Mariana Islands, Puerto Rico, and the Virgin*
 25 *Islands; and*

1 (D) any other territory or possession of the
 2 United States, or separate sovereign in free asso-
 3 ciation with the United States, that is impacted
 4 by marine debris within its seaward boundaries.

5 **SEC. 8. RELATIONSHIP TO OUTER CONTINENTAL SHELF**
 6 **LANDS ACT.**

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

10 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

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

13 (1) to the Administrator for carrying out sec-
 14 tions 3 and 6, \$10,000,000, of which no more than 10
 15 percent may be for administrative costs; and

16 (2) to the Secretary of the Department in which
 17 the Coast Guard is operating, for the use of the Com-
 18 mandant of the Coast Guard in carrying out section
 19 4, \$2,000,000, of which no more than 10 percent may
 20 be used for administrative costs.

Attest:

Clerk.