

Calendar No. 691

114TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 114-387

MARINE DEBRIS ACT AMENDMENTS OF 2016

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

ON

S. 3086



NOVEMBER 28, 2016.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

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Mr. THUNE, from the Committee on Commerce, Science, and
Transportation, submitted the following

R E P O R T

[To accompany S. 3086]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 3086) to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris and for other purposes, having considered the same, reports favorably thereon with an amendment (in the nature of a substitute) and recommends that the bill (as amended) do pass.

PURPOSE OF THE BILL

The purpose of S. 3086 is to reauthorize the Marine Debris Program of the National Oceanic and Atmospheric Administration (NOAA). It also would require NOAA to work with other Federal agencies to develop outreach and education strategies on sources of marine debris. Lastly, it would promote international action to reduce marine debris.

BACKGROUND AND NEEDS

“Marine debris” refers to any persistent, solid trash that ends up in the ocean or the Great Lakes.¹ Marine debris can originate: on land, via intentional dumping in the ocean, a stream, or river; as a result of heavy rainfall that can carry terrestrial debris into water through a storm drain; or due to a more extreme weather event like a hurricane, tsunami, or flood that might deposit larger

¹National Oceanic and Atmospheric Administration, Marine Debris Program, “NOAA Marine Debris Program,” at <https://marinedebris.noaa.gov/fact-sheets>.

pieces of refuse into the ocean.² Marine debris can also come from fishing vessels (including lost or abandoned fishing gear), cargo ships, cruise ships, pleasure craft, or oil and gas platforms. Abandoned vessels themselves can become marine debris. In addition to being an eyesore when it washes up on a beach, marine debris can: pose a hazard to navigation if it becomes entangled in propulsion systems or intakes or is a collision hazard; endanger human health, especially in the case of medical waste; be ingested by or entangle marine animals; and in the case of derelict fishing gear, continue to net, hook, or trap animals—sometimes called “ghostfishing.”³

Marine Debris Research, Prevention, and Reduction Act

The Marine Debris Research, Prevention, and Reduction Act (MDRPRA)⁴ was enacted in December 2006. The MDRPRA established, within NOAA, a Marine Debris Prevention and Removal Program (Program) to reduce and prevent the occurrence and adverse impacts of marine debris on the marine environment and navigation safety. The MDRPRA provides guidelines for the Administrator of NOAA (Administrator) to enter into cooperative agreements and contracts and provide financial assistance in the form of grants through the Program for such projects. The MDRPRA amended the Marine Plastic Pollution Research and Control Act of 1987⁵ to establish an Interagency Marine Debris Coordinating Committee (Interagency Committee) to coordinate a comprehensive program of marine debris research and activities among Federal agencies, in cooperation with nongovernmental organizations, industry, universities, States, Indian tribes, and other nations.

The MDRPRA also directs the Commandant of the Coast Guard, in consultation with the Interagency Committee to: increase compliance with the International Convention for the Prevention of Pollution from Ships (MARPOL) Annex V and the Act to Prevent Pollution from Ships⁶ with respect to the discard of trash from vessels; improve waste management onboard vessels; and improve international cooperation. The MDRPRA directs the Administrator, in coordination with the Interagency Committee, to maintain a Federal information clearinghouse on marine debris. The MDRPRA authorized appropriations from fiscal years (FYs) 2006 through 2010.⁷

NOAA Marine Debris Prevention and Removal Program

The Program is part of the Office of Response and Restoration within the National Ocean Service. The Program seeks to coordinate, strengthen, and increase the visibility of marine debris issues and efforts within NOAA, other agencies, and partners, and among the public. The Program is undertaking a national and international effort focusing on identifying, reducing, and preventing debris in the marine environment.

²National Oceanic and Atmospheric Administration, Marine Debris Program, “What is Marine Debris,” at <https://marinedebris.noaa.gov/fact-sheets>.

³Ibid.

⁴P.L. 109-449

⁵33 U.S.C. § 1914

⁶33 U.S.C. § 1901 et seq.

⁷P.L. 109-449

In order to achieve its goals, the Program works closely with various partners across the United States. The Program has funded and helped support over 140 projects, including aerial surveys of marine debris in Alaska, removal of derelict fishing gear from Flower Garden Banks National Marine Sanctuary offshore of Texas, high seas marine debris monitoring, and online outreach and education programs.

The Program also sponsors the International Coastal Cleanup coordinated by the Ocean Conservancy. That event is the largest marine debris and litter cleanup event in the world.⁸ Nearly 790,000 people participated in the 2015 cleanup, with events held in 37 States and in more than 90 countries and locations around the globe; nearly 18,000,000 pounds of trash were collected over 25,000 miles.⁹

SUMMARY OF PROVISIONS

If enacted, S. 3086 would do the following:

- Reauthorize NOAA's Marine Debris Program.
- Require NOAA to work with other Federal agencies to develop outreach and education strategies on sources of marine debris.
- Promote international action to reduce marine debris.

LEGISLATIVE HISTORY

S. 3086 was introduced on June 22, 2016, by Senator Booker. The last time marine debris legislation passed Congress was when components of the Marine Debris Act Amendments of 2012 (H.R. 1171) and the Trash Free Seas Act (S. 1119) were included in the Coast Guard and Maritime Transportation Act of 2012.¹⁰

On June 29, 2016, the Committee met in open Executive Session and, by a voice vote, ordered S. 3086 to be reported favorably with an amendment (in the nature of a substitute). An amendment was offered by Senator Markey to include the Department of State on the Interagency Marine Debris Coordinating Committee. That amendment was adopted.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

S. 3086—Marine Debris Act Amendments of 2016

Summary: S. 3086 would reauthorize and amend the Marine Debris Research, Prevention, and Reduction Act. The bill would authorize the appropriation of \$10 million annually over the 2017–2021 period for the National Oceanic and Atmospheric Administration (NOAA), in coordination with other agencies, to carry out activities to reduce the amount of debris in oceans and coastal areas

⁸Ocean Conservancy, “30th Anniversary International Coastal Cleanup – 2015 Report,” at <http://www.oceanconservancy.org/our-work/marine-debris/2016-data-release/2016-data-release-1.pdf>.

⁹Ibid.

¹⁰P.L. 112–213

and \$2 million annually for the Coast Guard (USCG) to better enforce laws about discarded refuse from ships.

CBO estimates that implementing S. 3086 would cost \$46 million over the 2017–2021 period, assuming appropriation of the authorized amounts. Pay-as-you-go procedures do not apply because enacting S. 3086 would not affect direct spending or revenues.

CBO estimates that enacting the legislation would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

S. 3086 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 effect of S. 3086 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—					
	2017	2018	2019	2020	2021	2017–2021
INCREASES IN SPENDING SUBJECT TO APPROPRIATION						
Marine Debris Removal:						
Authorization Level	10	10	10	10	10	50
Estimated Outlays	2	7	9	10	10	38
Enhanced Enforcement:						
Authorization Level	2	2	2	2	2	10
Estimated Outlays	1	1	2	2	2	8
Total Costs:						
Authorization Level	12	12	12	12	12	60
Estimated Outlays	3	8	11	12	12	46

Basis of estimate: For this estimate, CBO assumes S. 3086 will be enacted near the start of 2017 and that the authorized amounts will be appropriated for each fiscal year. Estimated outlays are based on historical spending patterns for similar programs.

The bill would authorize the appropriation of \$10 million annually over the 2017–2021 period for NOAA, in coordination with other agencies, to carry out activities to reduce the amount of debris in oceans and coastal areas (such as plastic and lost fishing gear) and to maintain a clearinghouse of information on marine debris for research purposes. In 2015, NOAA allocated \$6 million to activities that would reduce marine debris. The bill also would authorize the appropriation of \$2 million annually over the 2017–2021 period for the USCG to improve enforcement of existing laws and treaties that address ocean pollution from ships as well as develop and implement a plan to improve waste management on ships.

Pay-As-You-Go considerations: None

Increase in long-term direct spending and deficits: CBO estimates that enacting the legislation would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

Intergovernmental and private-sector impact: S. 3086 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, land, or tribal governments.

Estimate prepared by: Federal costs: Robert Reese; Impact on state, local, and tribal governments: Jon Sperl; Impact on the private sector: Amy Petz.

Estimate approved by: H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

NUMBER OF PERSONS COVERED

S. 3086, as reported, does not create any new programs or impose any new regulatory requirements, and therefore would not subject any individuals or businesses to new regulations.

ECONOMIC IMPACT

The legislation is not expected to have a negative impact on the Nation's economy.

PRIVACY

The reported bill is not expected to impact the personal privacy of individuals.

PAPERWORK

S. 3038 would not create increases in paperwork burdens if enacted.

CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title.

This section would provide the short title of the bill, the "Marine Debris Act Amendments of 2016."

Section 2. NOAA Marine Debris Program.

This section would require the Administrator, working through the Program, to work with other Federal agencies to develop outreach and education strategies to address both land- and sea-based sources of marine debris and to promote international action to reduce marine debris.

Section 3. Authorization of appropriations.

This section would authorize appropriations for FY 2017 through FY 2021 at \$10,000,000 per year for the Program and \$2,000,000 per year to the Commandant of the Coast Guard to improve implementation of MARPOL.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, 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 material is printed in italic, existing law in which no change is proposed is shown in roman):

MARINE DEBRIS ACT

[33 U.S.C. 1951 et seq.]

SEC. 3. NOAA MARINE DEBRIS PROGRAM.

[33 U.S.C. 1952]

(a) ESTABLISHMENT OF PROGRAM.—There is established, within the National Oceanic and Atmospheric Administration, a Marine Debris Program to identify, determine sources of, assess, prevent, reduce, and remove marine debris and address the 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—

(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 the identification, determination of sources, assessment, prevention, reduction, and removal of marine debris;

(3) undertake efforts to reduce the 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 certain fisheries to enhance the tracking, recovery, and identification of lost and discarded gear; and

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

(4) undertake outreach and education activities for the public and other stakeholders on sources of marine debris, threats associated with marine debris, and approaches to identifying, determining sources of, assessing, preventing, reducing, and removing marine debris and its adverse impacts on the United States economy, the marine environment, and navigation safety, including outreach and education activities through public-private initiatives; **[and]**

(5) develop, in consultation with the Interagency Committee, interagency plans for the timely response to events determined by the Administrator to be severe marine debris events, including plans to—

(A) coordinate across agencies and with relevant State, tribal, and local governments to ensure adequate, timely, and efficient response;

(B) assess the composition, volume, and trajectory of marine debris associated with a severe marine debris event; and

(C) estimate the potential impacts of a severe marine debris event, including economic impacts on human health, navigation safety, natural resources, tourism, and livestock, including aquaculture[.];

(6) *work with other Federal agencies to develop outreach and education strategies to address both land- and sea-based sources of marine debris; and*

(7) *work with the Department of State and other Federal agencies to promote international action to reduce the incidence of marine debris.*

* * * * *

SEC. 5. COORDINATION.

[33 U.S.C. 1954]

(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) *the Department of State; and*

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

* * * * *

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

[33 U.S.C. 1958]

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

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

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each fiscal year 2017 through 2021—

(1) to the Administrator for carrying out sections 3, 5, and 6, \$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 section 4, \$2,000,000, of which no more than 10 percent may be used for administrative costs.