

Calendar No. 181

115TH CONGRESS }
1st Session }

SENATE

{ REPORT
115-135

SAVE OUR SEAS ACT OF 2017

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

ON

S. 756



JULY 24, 2017.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

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SAVE OUR SEAS ACT OF 2017

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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. 756]

[Including cost estimate of the Congressional Budget Office]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 756) 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 without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of S. 756 is to reauthorize the Marine Debris Prevention and Removal Program (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. In addition, this Act would provide the Administrator of NOAA (Administrator) the authority to make a severe marine debris event determination and make sums available for use by the affected State. Lastly, it would promote international action to reduce marine debris.

BACKGROUND AND NEEDS

“Marine debris” refers to any persistent, solid material that ends up in the marine environment or the Great Lakes.¹ Small pieces

¹National Oceanic and Atmospheric Administration (NOAA), Marine Debris Program, “NOAA Marine Debris Program,” 2017, at <https://marinedebris.noaa.gov/fact-sheets>.

of marine debris, like litter, that originate on land can be flushed into the ocean via storm drains, rivers, and streams often as a result of heavy rainfall or high tide. More extreme events like a hurricane, tsunami, or flood might deposit larger pieces of refuse into the ocean.² Marine debris also can come from fishing vessels (including lost fishing gear), cargo ships, 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 do the following: 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 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 to enter into cooperative agreements and contracts, and provide financial assistance in the form of grants through the Marine Debris 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 V⁶ and the Act to Prevent Pollution from Ships⁷ with respect to the discard of trash from vessels, improvement of waste management onboard vessels, and the improvement of 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 at \$10,000,000 for the Marine Debris Program, and \$2,000,000 to the Commandant of the Coast Guard to improve implementation of MARPOL.⁸

NOAA Marine Debris Program

NOAA’s Marine Debris Program is part of the Office of Response and Restoration within the National Ocean Service. The Marine Debris Program seeks to coordinate, strengthen, and increase the

²NOAA, Marine Debris Program, at <https://marinedebris.noaa.gov>.

³Ibid.

⁴P.L. 109–449

⁵33 U.S.C. §1914.

⁶International Maritime Organization, International Convention for the Prevention of Pollution from Ships (MARPOL), at [http://www.imo.org/en/about/conventions/listofconventions/pages/international-convention-for-the-prevention-of-pollution-from-ships-\(marpol\).aspx](http://www.imo.org/en/about/conventions/listofconventions/pages/international-convention-for-the-prevention-of-pollution-from-ships-(marpol).aspx).

⁷33 U.S.C. §1901 et seq.

⁸P.L. 109–449

visibility of marine debris issues and efforts within NOAA, other agencies and partners, and among the public. The Marine Debris Program is undertaking a national and international effort focusing on identifying, reducing, and preventing debris in the marine environment. In order to achieve its goals, the Marine Debris Program works closely with various partners across the United States. The Marine Debris Program has funded and helped support numerous projects, including aerial surveys of marine debris in Alaska, removal of derelict fishing gear from Flower Garden Banks National Marine Sanctuary off the Texas coast, high seas marine debris monitoring, and online outreach and education programs. The Marine Debris Program also sponsors the International Coastal Clean-up coordinated by the Ocean Conservancy. That event is the largest marine debris and litter cleanup event in the world.⁹ More than 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; more than 18,000,000 pounds of trash were collected over 25,000 miles.¹⁰

SUMMARY OF PROVISIONS

If enacted, S. 756 would do the following:

- Reauthorize the Marine Debris Program consistent with previous years authorized appropriations.
- Provide the Administrator the authority to make a severe marine debris event determination and make sums available for use.
- 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. 756 was introduced on March 29, 2017, by Senators Sullivan, Whitehouse, Booker, Coons, Peters, Inhofe, Tillis, and Murkowski. On April 5, 2017, the Committee met in open Executive Session and, by voice vote, ordered S. 756 reported without amendment.

During the 114th Congress, S. 3086, the Marine Debris Act Amendments of 2016, which was sponsored by Senator Booker, passed the Senate by unanimous consent. Prior to S. 3086, 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 2012.¹¹ This was a bipartisan effort that ensured Federal agencies continued to work on reducing and removing marine debris, which was especially important at a time when marine debris from the Japan Tsunami of 2011 was approaching U.S. coasts. That Act, however, did not reauthorize the Marine Debris Program.

⁹Ocean Conservancy, "Fighting for Trash Free Seas: Ending the Flow of Trash at the Source," at <http://www.oceanconservancy.org/trash-free-seas/international-coastal-cleanup/>.

¹⁰Ocean Conservancy, "30th Anniversary International Coastal Clean-up – Annual Report," April, 2016, at <http://www.oceanconservancy.org/wp-content/uploads/2017/04/2016-data-release-1.pdf>.

¹¹P.L. 112–213

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. 756—Save Our Seas Act of 2017

Summary: S. 756 would reauthorize and amend the Marine Debris Research, Prevention, and Reduction Act. The bill would authorize the appropriation of \$10 million annually over the 2018–2022 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, and \$2 million annually for the Coast Guard (USCG) to better enforce laws related to discarded refuse from ships.

CBO estimates that implementing S. 756 would cost \$46 million over the 2018–2022 period, assuming appropriation of the authorized amounts. Enacting S. 756 would affect direct spending because it would authorize NOAA to collect and spend funds received from nonfederal entities; therefore, pay-as-you-go procedures apply. However, CBO estimates that the bill’s net effect on direct spending would be negligible. Enacting S. 756 would not affect 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 2028.

S. 756 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. 756 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	2022	2017–2022
INCREASES IN SPENDING SUBJECT TO APPROPRIATION							
NOAA Marine Debris Removal:							
Authorization Level	0	10	10	10	10	10	50
Estimated Outlays	0	2	7	9	10	10	38
USCG Enhanced Enforcement:							
Authorization Level	0	2	2	2	2	2	10
Estimated Outlays	0	1	1	2	2	2	8
Total Costs:							
Authorization Level	0	12	12	12	12	12	60
Estimated Outlays	0	3	8	11	12	12	46

Note: NOAA = National Oceanic and Atmospheric Administration; USCG = United States Coast Guard.

Basis of estimate: For this estimate, CBO assumes S. 756 will be enacted near the end of 2017 and that the authorized amounts will be appropriated each year. Estimated outlays are based on historical spending patterns for similar activities.

The bill would authorize a total of \$50 million 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), to maintain a clearinghouse of information on

marine debris for research purposes, and to provide assistance to relevant states under certain circumstances. A full year appropriation of NOAA for 2017 has not yet been enacted. However, in 2016, NOAA allocated \$6 million to related activities. The bill also would authorize a total of \$10 million for USCG to improve enforcement of existing laws and treaties that address ocean pollution from ships as well as to develop and implement a plan to improve waste management on ships. No funds have previously been allocated to these activities.

Pay-As-You-Go Considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. S. 756 would authorize NOAA to accept and spend, without further appropriation, funds provided by private entities and foreign governments for the purpose of responding to severe marine debris events. Such funds would be recorded in the budget as offsetting receipts, which are treated as reductions in direct collection of spending. Because CBO expects that any funds provided by nonfederal entities for such purposes would be spent soon after they are received, we estimate the net change in direct spending would be negligible. Enacting S. 756 would not affect revenues.

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 2028.

Intergovernmental and private-sector impact: S. 756 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. 756, as reported, would 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. 756 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 this bill as the “Save Our Seas Act of 2017” or the “SOS Act of 2017”.

Section 2. NOAA Marine Debris Program.

This section would require the Administrator, working through the Marine Debris 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. Assistance for severe marine debris events.

This section would give discretion to the Administrator to determine whether there is a severe marine debris event and provide funds to work with the affected State on cleanup and response to the event. Priority would be given to rural or remote communities or a habitat of national concern. Not more than 5 percent of funds made available to the Federal Government for the purpose of responding to a severe marine debris event may be used by the Administrator for administrative purposes.

Section 4. Sense of Congress on international engagement to respond to marine debris.

This section would state the sense of Congress that the President should support Federal funding for research and development of bio-based and other alternatives or environmentally feasible improvements to materials that reduce municipal solid waste.

This section would also state that the President should work with representatives of foreign countries that contribute the most to global marine debris to find solutions and study issues related to marine debris, including the long term economic impacts and benefits of marine debris on their economy, as well as the overall global economy. The President also should work with these countries to conclude one or more new international agreements that would include the following provisions: 1) mitigating the risk of their land-based marine debris reaching an ocean; 2) increasing technical assistance and investment in waste management, if the President determines it is appropriate; and 3) encouraging the United States Trade Representative to consider the impact of marine debris in relevant future trade agreements.

Section 5. Membership of the Interagency Marine Debris Coordinating Committee.

This section would add the Department of State and the Department of the Interior to the membership of the interagency marine debris coordinating committee.

Section 6. Authorization of appropriations.

This section would authorize appropriations for each of FY 2018 through FY 2022 at \$10,000,000 for the Marine Debris Program and \$2,000,000 to the Commandant of the Coast Guard to improve implementation of MARPOL. This funding would be consistent with current authorized levels. Not more than 10 percent of funds would be used for administrative costs.

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.*

(c) * * *

(d) **ASSISTANCE FOR SEVERE MARINE DEBRIS EVENTS.—**

(1) **IN GENERAL.—***At the discretion of the Administrator or at the request of the Governor of an affected State, the Administrator shall determine whether there is a severe marine debris event.*

(2) **ASSISTANCE.—**

(A) **IN GENERAL.—***If the Administrator makes a determination under paragraph (1) that there is a severe marine debris event, the Administrator is authorized to make sums available to be used by the affected State or by the Administrator in cooperation with the affected State—*

(i) to assist in the cleanup and response required by the severe marine debris event; or

(ii) such other activity as the Administrator determines is appropriate in response to the severe marine debris event.

(B) **PRIORITY ASSISTANCE.—***In providing assistance under this paragraph, the Administrator shall prioritize assistance for activities to respond to a severe marine debris event—*

(i) in a rural or remote community; or

(ii) in a habitat of national concern.

(3) **FUNDING.—**

(A) **FEDERAL SHARE.—***The Federal share of the cost of an activity carried out under the authority of this subsection shall be—*

(i) if the activity is funded wholly by funds made available by an entity, including the government of a foreign country, to the Federal Government for the purpose of responding to a severe marine debris event, 100 percent of the cost of the activity; or

(ii) for any activity other than an activity funded as described in clause (i), 75 percent of the cost of the activity.

(B) *LIMITATION ON ADMINISTRATIVE EXPENSES.*—In the case of an activity funded as described in subparagraph (A)(i), not more than 5 percent of the funds made available for the activity may be used by the Administrator for administrative expenses.

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;*
- (6) *the Department of the Interior; and*

【(5)】(7) 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) * * *

【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 2018 through 2022—

(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.

