

# Union Calendar No. 345

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 362

[Report No. 109–332, Parts I and II]

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## IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2005

Referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

DECEMBER 8, 2005

Reported from the Committee on Resources with an amendment  
[Strike out all after the enacting clause and insert the part printed in *italic*]

JULY 25, 2006

Reported from the Committee on Transportation and Infrastructure with an amendment; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in **bold face roman**]

[For text of Senate passed bill, see copy of bill as referred in the House of Representatives on July 11, 2005]

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## 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.

1        *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SEC. 1. SHORT TITLE.**

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

6 **SEC. 2. PURPOSES.**

7        *The purposes of this Act are—*

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

12            (2) *to reactivate the Interagency Marine Debris*  
13 *Coordinating Committee; and*

14            (3) *to develop a Federal marine debris informa-*  
15 *tion clearinghouse.*

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

18        (a) *ESTABLISHMENT OF PROGRAM.—There is estab-*  
19 *lished, within the National Oceanic and Atmospheric Ad-*  
20 *ministration, a Marine Debris Prevention and Removal*  
21 *Program to reduce and prevent the occurrence and adverse*  
22 *impacts of marine debris on the marine environment and*  
23 *navigation safety.*

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

4                   **(1) MAPPING, IDENTIFICATION, IMPACT ASSESS-**  
5 **MENT, REMOVAL, AND PREVENTION.**—*The Adminis-*  
6 *trator shall, in consultation with relevant Federal*  
7 *agencies, undertake marine debris mapping, identi-*  
8 *fication, impact assessment, prevention, and removal*  
9 *efforts, with a focus on marine debris posing a threat*  
10 *to living marine resources and navigation safety, in-*  
11 *cluding—*

12                           **(A)** *the establishment of a process, building*  
13 *on existing information sources maintained by*  
14 *Federal agencies such as the Environmental Pro-*  
15 *tection Agency and the Coast Guard, for cata-*  
16 *loguing and maintaining an inventory of ma-*  
17 *rine debris and its impacts found in the navi-*  
18 *gable waters of the United States and the United*  
19 *States exclusive economic zone, including loca-*  
20 *tion, material, size, age, and origin, and impacts*  
21 *on habitat, living marine resources, human*  
22 *health, and navigation safety;*

23                           **(B)** *measures to identify the origin, loca-*  
24 *tion, and projected movement of marine debris*  
25 *within United States navigable waters, the*

1           *United States exclusive economic zone, and the*  
2           *high seas, including the use of oceanographic, at-*  
3           *mospheric, satellite, and remote sensing data;*  
4           *and*

5                     *(C) development and implementation of*  
6           *strategies, methods, priorities, and a plan for*  
7           *preventing and removing marine debris from*  
8           *United States navigable waters and within the*  
9           *United States exclusive economic zone, including*  
10          *development of local or regional protocols for re-*  
11          *moval of derelict fishing gear and other marine*  
12          *debris.*

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

18                     *(A) research and development of alter-*  
19            *natives to gear posing threats to the marine en-*  
20            *vironment, and methods for marking gear used*  
21            *in specific fisheries to enhance the tracking, re-*  
22            *covery, and identification of lost and discarded*  
23            *gear; and*

24                     *(B) development of effective nonregulatory*  
25            *measures and incentives to cooperatively reduce*

1           *the volume of lost and discarded fishing gear and*  
2           *to aid in its recovery.*

3           (3) *OUTREACH.*—*The Administrator shall under-*  
4           *take outreach and education of the public and other*  
5           *stakeholders, such as the fishing industry, fishing gear*  
6           *manufacturers, and other marine-dependent indus-*  
7           *tries, and the plastic and waste management indus-*  
8           *tries, on sources of marine debris, threats associated*  
9           *with marine debris and approaches to identify, deter-*  
10          *mine sources of, assess, reduce, and prevent marine*  
11          *debris and its adverse impacts on the marine environ-*  
12          *ment and navigational safety, including outreach and*  
13          *education activities through public-private initiatives.*  
14          *The Administrator shall coordinate outreach and edu-*  
15          *cation activities under this paragraph with any out-*  
16          *reach programs conducted under section 2204 of the*  
17          *Marine Plastic Pollution Research and Control Act of*  
18          *1987 (33 U.S.C. 1915).*

19          (c) *GRANTS, COOPERATIVE AGREEMENTS, AND CON-*  
20          *TRACTS.*—

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

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

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

9                   (B) *WAIVER.*—*The Administrator may*  
 10 *waive all or part of the matching requirement*  
 11 *under subparagraph (A) if the Administrator de-*  
 12 *termines that no reasonable means are available*  
 13 *through which applicants can meet the matching*  
 14 *requirement and the probable benefit of such*  
 15 *project outweighs the public interest in such*  
 16 *matching requirement.*

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

19                   (A) *CONSENT DECREES AND ORDERS.*—*If*  
 20 *authorized by the Administrator or the Attorney*  
 21 *General, as appropriate, the non-Federal share of*  
 22 *the cost of a project carried out under this Act*  
 23 *may include money paid pursuant to, or the*  
 24 *value of any in-kind service performed under, an*  
 25 *administrative order on consent or judicial con-*

1           *sent decree that will remove or prevent marine*  
2           *debris.*

3           (B) *OTHER DECREES AND ORDERS.*—*The*  
4           *non-Federal share of the cost of a project carried*  
5           *out under this Act may not include any money*  
6           *paid pursuant to, or the value of any in-kind*  
7           *service performed under, any other administra-*  
8           *tive order or court order.*

9           (4) *ELIGIBILITY.*—*Any State, local, or tribal*  
10          *government whose activities affect research or regula-*  
11          *tion of marine debris, and any institution of higher*  
12          *education, nonprofit organization, or commercial or-*  
13          *ganization with expertise in a field related to marine*  
14          *debris, is eligible to submit to the Administrator a*  
15          *marine debris proposal under the grant program.*

16          (5) *GRANT CRITERIA AND GUIDELINES.*—*Within*  
17          *180 days after the date of enactment of this Act, the*  
18          *Administrator shall promulgate necessary guidelines*  
19          *for implementation of the grant program, including*  
20          *development of criteria and priorities for grants. In*  
21          *developing those guidelines, the Administrator shall*  
22          *consult with—*

23                  (A) *the Interagency Marine Debris Coordi-*  
24                  *nating Committee;*

1           (B) *Regional Fishery Management Councils*  
2           *established under the Magnuson-Stevens Fishery*  
3           *Conservation and Management Act (16 U.S.C.*  
4           *1801 et seq.);*

5           (C) *State, regional, and local governmental*  
6           *entities with marine debris experience;*

7           (D) *marine-dependent industries; and*

8           (E) *nongovernmental organizations involved*  
9           *in marine debris research, prevention, or re-*  
10          *moval activities.*

11          (6) *PROJECT REVIEW AND APPROVAL.—The Ad-*  
12          *ministrator shall—*

13               (A) *review each marine debris project pro-*  
14               *posal to determine if it meets the grant criteria*  
15               *and supports the goals of this Act;*

16               (B) *after considering any written comments*  
17               *and recommendations based on the review, ap-*  
18               *prove or disapprove the proposal; and*

19               (C) *provide notification of that approval or*  
20               *disapproval to the person who submitted the pro-*  
21               *posal.*

22          (7) *PROJECT REPORTING.—Each grantee under*  
23          *this section shall provide periodic reports as required*  
24          *by the Administrator. Each report shall include all*  
25          *information required by the Administrator for evalu-*

1        *ating the progress and success in meeting its stated*  
2        *goals, and impact of the grant activities on the ma-*  
3        *rine debris problem.*

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

5        *(a) IN GENERAL.—Not later than 360 days after the*  
6        *enactment of this Act, the Commandant of the Coast Guard*  
7        *shall submit a report to the Committee on Transportation*  
8        *and Infrastructure of the House of Representatives and the*  
9        *Committee on Commerce, Science and Transportation of the*  
10       *Senate on the implementation of the provision of the*  
11       *MARPOL Annex V and the Act to Prevent Pollution from*  
12       *Ships (33 U.S.C. 1901 et seq.) with respect to the discard*  
13       *of plastics and other garbage from vessels. The report shall*  
14       *include—*

15                *(1) a review of the effectiveness of those provi-*  
16                *sions in reducing the discard of plastics and other*  
17                *garbage from vessels;*

18                *(2) recommendations on cost effective actions to*  
19                *improve compliance with those provisions;*

20                *(3) a review of the implementation of and com-*  
21                *pliance with requirements of those provisions that all*  
22                *United States ports and terminals maintain recep-*  
23                *tacles for disposing of plastics and other garbage, in-*  
24                *cluding whether a sufficient quantity of such facilities*  
25                *exists at all such ports and terminals;*

1           (4) *an assessment of the potential economic im-*  
2           *pacts and technical feasibility of requiring a vessel*  
3           *operator to log the disposal of plastics and other gar-*  
4           *bage, including at a minimum, the time, date, type*  
5           *of garbage, quantity, and location of discharge by*  
6           *latitude and longitude or, if discharged on land, the*  
7           *name of the port where such material is offloaded for*  
8           *disposal;*

9           (5) *an assessment of the potential economic im-*  
10          *pacts and technical feasibility of methods to improve*  
11          *ship-board waste management; and*

12          (6) *a strategy to promote international coopera-*  
13          *tion to reduce marine debris.*

14          (b) *VOLUNTARY REPORTING PROGRAM.—The Com-*  
15          *mandant of the Coast Guard shall develop a voluntary re-*  
16          *porting program and establish a central reporting location*  
17          *to receive information from commercial vessel operators,*  
18          *recreational boaters, and the general public regarding inci-*  
19          *dents of damage to vessels caused by marine debris and ob-*  
20          *served violations of existing laws and regulations relating*  
21          *to disposal of plastics and other marine debris. The vol-*  
22          *untary program developed under this subsection shall be de-*  
23          *signed to encourage United States-flag vessels to notify the*  
24          *Coast Guard of ports in other countries that lack adequate*  
25          *port reception facilities for garbage.*

1           (c) *VOLUNTARY MEASURES.*—*The Commandant of the*  
 2 *Coast Guard shall develop voluntary measures to prevent*  
 3 *and reduce the loss and discard of fishing gear from vessels.*

4 **SEC. 5. INTERAGENCY COORDINATION.**

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

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

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

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

22           (b) *DEFINITION OF MARINE DEBRIS.*—*The Adminis-*  
 23 *trator and the Commandant of the Coast Guard, in con-*  
 24 *sultation with the Interagency Committee established under*  
 25 *subsection (a), shall jointly develop and promulgate through*

1 *regulations a definition of the term “marine debris” for*  
2 *purposes of this Act.*

3 (c) *REPORTS.—*

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

6 (A) *IN GENERAL.—Not later than 12*  
7 *months after the date of the enactment of this*  
8 *Act, the Interagency Committee, through the*  
9 *chairperson, shall complete and submit to the*  
10 *Committee on Commerce, Science, and Transpor-*  
11 *tation of the Senate and the Committee on*  
12 *Transportation and Infrastructure and the Com-*  
13 *mittee on Resources of the House of Representa-*  
14 *tives a report that—*

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

16 (ii) *the ecological and economic impact*  
17 *of marine debris;*

18 (iii) *alternatives for reducing, miti-*  
19 *gating, preventing, and controlling the*  
20 *harmful affects of marine debris;*

21 (iv) *the social and economic costs and*  
22 *benefits of such alternatives; and*

23 (v) *recommendations to reduce marine*  
24 *debris both domestically and internation-*  
25 *ally.*

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

3                   (i) *establishing priority areas for ac-*  
4                   *tion to address leading problems relating to*  
5                   *marine debris;*

6                   (ii) *developing strategies and ap-*  
7                   *proaches to prevent, reduce, remove, and*  
8                   *dispose of marine debris, including through*  
9                   *private-public partnerships;*

10                  (iii) *establishing effective and coordi-*  
11                  *nated education and outreach activities;*  
12                  *and*

13                  (iv) *ensuring Federal cooperation with,*  
14                  *and assistance to, the coastal States (as that*  
15                  *term is defined in section 304 of the Coastal*  
16                  *Zone Management Act of 1972 (16 U.S.C.*  
17                  *1453)), Indian tribes, and local govern-*  
18                  *ments in the identification, determination*  
19                  *of sources, prevention, reduction, manage-*  
20                  *ment, mitigation, and control of marine de-*  
21                  *bris and its adverse impacts.*

22           (2) *ANNUAL PROGRESS REPORTS.*—*Not later*  
23           *than 3 years after the date of the enactment of this*  
24           *Act, and biennially thereafter, the Interagency Com-*  
25           *mittee, through the chairperson, shall submit to the*

1 *Committee on Commerce, Science, and Transpor-*  
2 *tation of the Senate and the Committee on Transpor-*  
3 *tation and Infrastructure and the Committee on Re-*  
4 *sources of the House of Representatives a report that*  
5 *evaluates United States and international progress in*  
6 *meeting the purpose of this Act. The report shall in-*  
7 *clude—*

8 *(A) the status of implementation of any rec-*  
9 *ommendations and strategies of the Interagency*  
10 *Committee and analysis of their effectiveness;*

11 *(B) a summary of the marine debris inven-*  
12 *tory to be maintained by the National Oceanic*  
13 *and Atmospheric Administration;*

14 *(C) a review of the National Oceanic and*  
15 *Atmospheric Administration program authorized*  
16 *by section 3, including projects funded and ac-*  
17 *complishments relating to reduction and preven-*  
18 *tion of marine debris;*

19 *(D) a review of Coast Guard programs and*  
20 *accomplishments relating to marine debris re-*  
21 *moval, including enforcement and compliance*  
22 *with MARPOL requirements; and*

23 *(E) estimated Federal and non-Federal*  
24 *funding provided for marine debris and rec-*  
25 *ommendations for priority funding needs.*

1 **SEC. 6. FEDERAL INFORMATION CLEARINGHOUSE.**

2 *The Administrator, in coordination with the Inter-*  
3 *agency Committee, shall—*

4 *(1) maintain a Federal information clearing-*  
5 *house on marine debris that will be available to re-*  
6 *searchers and other interested persons to improve ma-*  
7 *rine debris source identification, data sharing, and*  
8 *monitoring efforts through collaborative research and*  
9 *open sharing of data; and*

10 *(2) take the necessary steps to ensure the con-*  
11 *fidentiality of such information (especially propri-*  
12 *etary information), for any information required by*  
13 *the Administrator to be submitted by the fishing in-*  
14 *dustry under this section.*

15 **SEC. 7. DEFINITIONS.**

16 *In this Act:*

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

20 *(2) INTERAGENCY COMMITTEE.—The term*  
21 *“Interagency Committee” means the Interagency Ma-*  
22 *rine Debris Coordinating Committee established*  
23 *under section 2203 of the Marine Plastic Pollution*  
24 *Research and Control Act of 1987 (33 U.S.C. 1914).*

25 *(3) UNITED STATES EXCLUSIVE ECONOMIC*  
26 *ZONE.—The term “United States exclusive economic*

1       *zone” means the zone established by Presidential*  
2       *Proclamation Numbered 5030, dated March 10, 1983,*  
3       *including the ocean waters of the areas referred to as*  
4       *“eastern special areas” in article 3(1) of the Agree-*  
5       *ment between the United States of America and the*  
6       *Union of Soviet Socialist Republics on the Maritime*  
7       *Boundary, signed June 1, 1990.*

8               (4) *MARPOL; ANNEX V; CONVENTION.—The*  
9       *terms “MARPOL”, “Annex V”, and “Convention”*  
10       *have the meaning given those terms under section*  
11       *2(a) of the Act to Prevent Pollution from Ships (33*  
12       *U.S.C. 1901(a)).*

13              (5) *NAVIGABLE WATERS.—The term “navigable*  
14       *waters” means waters of the United States, including*  
15       *the territorial sea.*

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

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

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

1           (A) any State of the United States that is  
2           impacted by marine debris within its seaward or  
3           Great Lakes boundaries;

4           (B) the District of Columbia;

5           (C) American Samoa, Guam, the Northern  
6           Mariana Islands, Puerto Rico, and the Virgin  
7           Islands; and

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

12 **SEC. 8. RELATIONSHIP TO OUTER CONTINENTAL SHELF**  
13 **LANDS ACT.**

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

17 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

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

20               (1) to the Administrator for carrying out sec-  
21               tions 3 and 7, \$10,000,000, of which no more than 10  
22               percent may be for administrative costs; and

23               (2) to the Secretary of the Department in which  
24               the Coast Guard is operating, for the use of the Com-  
25               mandant of the Coast Guard in carrying out sections

1       4 and 6, \$2,000,000, of which no more than 10 per-  
2       cent may be used for administrative costs.

3 **SECTION 1. SHORT TITLE.**

4       **This Act may be cited as the “Marine De-**  
5 **bris Research, Prevention, and Reduction**  
6 **Act”.**

7 **SEC. 2. PURPOSES.**

8       **The purposes of this Act are—**

9           **(1) to help identify, determine sources**  
10       **of, assess, reduce, and prevent marine de-**  
11       **bris and its adverse impacts on the ma-**  
12       **rine environment and navigation safety;**

13           **(2) to reactivate the Interagency Ma-**  
14       **rine Debris Coordinating Committee; and**

15           **(3) to develop a Federal marine de-**  
16       **bris information clearinghouse.**

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

19       **(a) ESTABLISHMENT OF PROGRAM.—There is**  
20 **established, within the National Oceanic and**  
21 **Atmospheric Administration, a Marine Debris**  
22 **Prevention and Removal Program to reduce**  
23 **and prevent the occurrence and adverse im-**  
24 **pacts of marine debris on the marine environ-**  
25 **ment and navigation safety.**

1       **(b) PROGRAM COMPONENTS.—The Adminis-**  
2 **trator, acting through the Program and sub-**  
3 **ject to the availability of appropriations, shall**  
4 **carry out the following activities:**

5           **(1) MAPPING, IDENTIFICATION, IMPACT**  
6 **ASSESSMENT, REMOVAL, AND PREVENTION.—**  
7 **The Administrator shall, in consultation**  
8 **with relevant Federal agencies, under-**  
9 **take marine debris mapping, identifica-**  
10 **tion, impact assessment, prevention, and**  
11 **removal efforts, with a focus on marine**  
12 **debris posing a threat to living marine**  
13 **resources and navigation safety, includ-**  
14 **ing—**

15           **(A) the establishment of a process,**  
16 **building on existing information**  
17 **sources maintained by Federal agen-**  
18 **cies such as the Environmental Pro-**  
19 **tection Agency and the Coast Guard,**  
20 **for cataloguing and maintaining an**  
21 **inventory of marine debris and its im-**  
22 **pacts found in the navigable waters**  
23 **of the United States and the United**  
24 **States exclusive economic zone, in-**  
25 **cluding location, material, size, age,**

1           **and origin, and impacts on habitat,**  
2           **living marine resources, human**  
3           **health, and navigation safety;**

4           **(B) measures to identify the ori-**  
5           **gin, location, and projected move-**  
6           **ment of marine debris within United**  
7           **States navigable waters, the United**  
8           **States exclusive economic zone, and**  
9           **the high seas, including the use of**  
10           **oceanographic, atmospheric, satellite,**  
11           **and remote sensing data; and**

12           **(C) development and implementa-**  
13           **tion of strategies, methods, priorities,**  
14           **and a plan for preventing and remov-**  
15           **ing marine debris from United States**  
16           **navigable waters and within the**  
17           **United States exclusive economic**  
18           **zone, including development of local**  
19           **or regional protocols for removal of**  
20           **derelict fishing gear and other ma-**  
21           **rine debris.**

22           **(2) REDUCING AND PREVENTING LOSS OF**  
23           **GEAR.—The Administrator shall improve**  
24           **efforts to reduce adverse impacts of lost**  
25           **and discarded fishing gear on living ma-**

1 **rine resources and navigation safety, in-**  
2 **cluding—**

3 **(A) research and development of**  
4 **alternatives to gear posing threats to**  
5 **the marine environment, and meth-**  
6 **ods for marking gear used in specific**  
7 **fisheries to enhance the tracking, re-**  
8 **covery, and identification of lost and**  
9 **discarded gear; and**

10 **(B) development of effective non-**  
11 **regulatory measures and incentives**  
12 **to cooperatively reduce the volume of**  
13 **lost and discarded fishing gear and to**  
14 **aid in its recovery.**

15 **(3) OUTREACH.—The Administrator**  
16 **shall undertake outreach and education**  
17 **of the public and other stakeholders,**  
18 **such as the fishing industry, fishing gear**  
19 **manufacturers, and other marine-depend-**  
20 **ent industries, and the plastic and waste**  
21 **management industries, on sources of**  
22 **marine debris, threats associated with**  
23 **marine debris and approaches to iden-**  
24 **tify, determine sources of, assess, reduce,**  
25 **and prevent marine debris and its ad-**

1       verse impacts on the marine environment  
2       and navigational safety, including out-  
3       reach and education activities through  
4       public-private initiatives. The Adminis-  
5       trator shall coordinate outreach and edu-  
6       cation activities under this paragraph  
7       with any outreach programs conducted  
8       under section 2204 of the Marine Plastic  
9       Pollution Research and Control Act of  
10      1987 (33 U.S.C. 1915).

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

13           (1) IN GENERAL.—The Administrator,  
14      acting through the Program, shall enter  
15      into cooperative agreements and con-  
16      tracts and provide financial assistance in  
17      the form of grants for projects to accom-  
18      plish the purpose set forth in section 2(1).

19           (2) GRANT COST SHARING REQUIRE-  
20      MENT.—

21           (A) IN GENERAL.—Except as pro-  
22      vided in subparagraph (B), Federal  
23      funds for any grant under this sec-  
24      tion may not exceed 50 percent of the  
25      total cost of such project. For pur-

1           poses of this subparagraph, the non-  
2           Federal share of project costs may be  
3           provided by in-kind contributions  
4           and other noncash support.

5           **(B) WAIVER.**—The Administrator  
6           may waive all or part of the matching  
7           requirement under subparagraph (A)  
8           if the Administrator determines that  
9           no reasonable means are available  
10          through which applicants can meet  
11          the matching requirement and the  
12          probable benefit of such project out-  
13          weighs the public interest in such  
14          matching requirement.

15          **(3) AMOUNTS PAID AND SERVICES REN-**  
16          **DERED UNDER CONSENT.**—

17               **(A) CONSENT DECREES AND OR-**  
18               **DERS.**—If authorized by the Adminis-  
19               trator or the Attorney General, as ap-  
20               propriate, the non-Federal share of  
21               the cost of a project carried out  
22               under this Act may include money  
23               paid pursuant to, or the value of any  
24               in-kind service performed under, an  
25               administrative order on consent or

1           **judicial consent decree that will re-**  
2           **move or prevent marine debris.**

3           **(B) OTHER DECREES AND ORDERS.—**

4           **The non-Federal share of the cost of a**  
5           **project carried out under this Act**  
6           **may not include any money paid pur-**  
7           **suant to, or the value of any in-kind**  
8           **service performed under, any other**  
9           **administrative order or court order.**

10          **(4) ELIGIBILITY.—Any State, local, or**  
11          **tribal government whose activities affect**  
12          **research or regulation of marine debris,**  
13          **and any institution of higher education,**  
14          **nonprofit organization, or commercial or-**  
15          **ganization with expertise in a field re-**  
16          **lated to marine debris, is eligible to sub-**  
17          **mit to the Administrator a marine debris**  
18          **proposal under the grant program.**

19          **(5) GRANT CRITERIA AND GUIDELINES.—**

20          **Within 180 days after the date of the en-**  
21          **actment of this Act, the Administrator**  
22          **shall promulgate necessary guidelines for**  
23          **implementation of the grant program, in-**  
24          **cluding development of criteria and pri-**  
25          **orities for grants. In developing those**

1 **guidelines, the Administrator shall con-**  
2 **sult with—**

3 **(A) the Interagency Committee;**

4 **(B) regional fishery management**  
5 **councils established under the Mag-**  
6 **nuson-Stevens Fishery Conservation**  
7 **and Management Act (16 U.S.C. 1801**  
8 **et seq.);**

9 **(C) State, regional, and local gov-**  
10 **ernmental entities with marine de-**  
11 **bris experience;**

12 **(D) marine-dependent industries;**  
13 **and**

14 **(E) nongovernmental organiza-**  
15 **tions involved in marine debris re-**  
16 **search, prevention, or removal activi-**  
17 **ties.**

18 **(6) PROJECT REVIEW AND APPROVAL.—**

19 **The Administrator shall—**

20 **(A) review each marine debris**  
21 **project proposal to determine if it**  
22 **meets the grant criteria and supports**  
23 **the goals of this Act;**

24 **(B) after considering any written**  
25 **comments and recommendations**

1           **based on the review, approve or dis-**  
2           **approve the proposal; and**

3           **(C) provide notification of that**  
4           **approval or disapproval to the person**  
5           **who submitted the proposal.**

6           **(7) PROJECT REPORTING.—Each grant-**  
7           **ee under this section shall provide peri-**  
8           **odic reports as required by the Adminis-**  
9           **trator. Each report shall include all infor-**  
10          **mation required by the Administrator for**  
11          **evaluating the progress and success in**  
12          **meeting its stated goals, and impact of**  
13          **the grant activities on the marine debris**  
14          **problem.**

15 **SEC. 4. COAST GUARD PROGRAM.**

16          **(a) STRATEGY.—The Commandant of the**  
17          **Coast Guard, in consultation with the Inter-**  
18          **agency Committee, shall—**

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

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

8           **(3) take actions to improve compli-**  
9           **ance with requirements under MARPOL**  
10          **Annex V and section 6 of the Act to Pre-**  
11          **vent Pollution from Ships (33 U.S.C. 1905)**  
12          **that all United States ports and terminals**  
13          **maintain and monitor the adequacy of re-**  
14          **ceptacles for the disposal of plastics and**  
15          **other garbage, including through pro-**  
16          **moting voluntary government-industry**  
17          **partnerships;**

18          **(4) develop and implement a plan, in**  
19          **coordination with industry and rec-**  
20          **reational boaters, to improve ship-board**  
21          **waste management, including record-**  
22          **keeping, and access to waste reception**  
23          **facilities for ship-board waste;**

1           **(5) take actions to improve inter-**  
2           **national cooperation to reduce marine**  
3           **debris; and**

4           **(6) establish a voluntary reporting**  
5           **program for commercial vessel operators**  
6           **and recreational boaters to report inci-**  
7           **dents of damage to vessels and disruption**  
8           **of navigation caused by marine debris,**  
9           **and observed violations of laws and regu-**  
10          **lations relating to the disposal of plastics**  
11          **and other marine debris.**

12          **(b) REPORT.—Not later than 180 days after**  
13          **the date of enactment of this Act, the Com-**  
14          **mandant of the Coast Guard shall submit to**  
15          **the Committee on Commerce, Science, and**  
16          **Transportation of the Senate and the Com-**  
17          **mittee on Transportation and Infrastructure**  
18          **of the House of Representatives a report eval-**  
19          **uating the Coast Guard’s progress in imple-**  
20          **menting subsection (a).**

21          **(c) EXTERNAL EVALUATION AND REC-**  
22          **OMMENDATIONS ON ANNEX V.—**

23                 **(1) IN GENERAL.—The Commandant of**  
24                 **the Coast Guard shall enter into an ar-**  
25                 **rangement with the National Research**

1       **Council under which the National Re-**  
2       **search Council shall submit, by not later**  
3       **than 18 months after the date of the en-**  
4       **actment of this Act and in consultation**  
5       **with the Commandant and the Inter-**  
6       **agency Committee, to the Committee on**  
7       **Commerce, Science, and Transportation**  
8       **of the Senate and the Committee on**  
9       **Transportation and Infrastructure of the**  
10       **House of Representatives a comprehen-**  
11       **sive report on the effectiveness of inter-**  
12       **national and national measures to pre-**  
13       **vent and reduce marine debris and its**  
14       **impact.**

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

17                       **(A) an evaluation of international**  
18                       **and domestic implementation of**  
19                       **MARPOL Annex V and the Act to Pre-**  
20                       **vent Pollution from Ships (33 U.S.C.**  
21                       **1901 et seq.) and recommendations of**  
22                       **cost-effective actions to improve im-**  
23                       **plementation and compliance with**  
24                       **such measures to reduce impacts of**  
25                       **marine debris;**

1           **(B) recommendation of additional**  
2           **Federal or international actions, in-**  
3           **cluding changes to international and**  
4           **domestic law or regulations, needed**  
5           **to further reduce the impacts of ma-**  
6           **rine debris; and**

7           **(C) evaluation of the role of float-**  
8           **ing fish aggregation devices in the**  
9           **generation of marine debris and ex-**  
10          **isting legal mechanisms to reduce im-**  
11          **pacts of such debris, focusing on im-**  
12          **pacts in the Western Pacific and Cen-**  
13          **tral Pacific regions.**

14 **SEC. 5. INTERAGENCY COORDINATION.**

15          **(a) INTERAGENCY MARINE DEBRIS COORDI-**  
16          **NATING COMMITTEE.—Section 2203 of the Ma-**  
17          **rine Plastic Pollution Research and Control**  
18          **Act of 1987 (33 U.S.C. 1914) is amended—**

19                 **(1) by striking subsection (a) and in-**  
20                 **serting the following:**

21                 **“(a) ESTABLISHMENT OF INTERAGENCY MA-**  
22                 **RINE DEBRIS COORDINATING COMMITTEE.—**  
23                 **There is established an Interagency Marine**  
24                 **Debris Coordinating Committee to coordinate**  
25                 **a comprehensive program of marine debris**

1 research and activities among Federal agen-  
2 cies, in cooperation and coordination with  
3 non-governmental organizations, industry,  
4 universities, and research institutions, States,  
5 Indian tribes, and other nations, as appro-  
6 priate.”; and

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

9 (b) DEFINITION OF MARINE DEBRIS.—The  
10 Administrator and the Commandant of the  
11 Coast Guard, in consultation with the Inter-  
12 agency Committee established under sub-  
13 section (a), shall jointly develop and promul-  
14 gate through regulations a definition of the  
15 term “marine debris” for purposes of this Act.

16 (c) REPORTS.—

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

19 (A) IN GENERAL.—Not later than 12  
20 months after the date of the enact-  
21 ment of this Act, the Interagency  
22 Committee, through the chairperson,  
23 shall complete and submit to the  
24 Committee on Commerce, Science,  
25 and Transportation of the Senate and

1           **the Committee on Transportation and**  
2           **Infrastructure and the Committee on**  
3           **Resources of the House of Represent-**  
4           **atives a report that—**

5                   **(i) identifies sources of ma-**  
6                   **rine debris;**

7                   **(ii) the ecological and eco-**  
8                   **nomical impact of marine debris;**

9                   **(iii) alternatives for reducing,**  
10                  **mitigating, preventing, and con-**  
11                  **trolling the harmful affects of ma-**  
12                  **rine debris;**

13                  **(iv) the social and economic**  
14                  **costs and benefits of such alter-**  
15                  **natives; and**

16                  **(v) recommendations to re-**  
17                  **duce marine debris both domesti-**  
18                  **cally and internationally.**

19           **(B) RECOMMENDATIONS.—The re-**  
20           **port shall provide strategies and rec-**  
21           **ommendations on—**

22                   **(i) establishing priority areas**  
23                   **for action to address leading**  
24                   **problems relating to marine de-**  
25                   **bris;**

1           (ii) developing strategies and  
2           approaches to prevent, reduce, re-  
3           move, and dispose of marine de-  
4           bris, including through private-  
5           public partnerships;

6           (iii) establishing effective and  
7           coordinated education and out-  
8           reach activities; and

9           (iv) ensuring Federal coopera-  
10          tion with, and assistance to, the  
11          coastal States (as that term is de-  
12          fined in section 304 of the Coastal  
13          Zone Management Act of 1972 (16  
14          U.S.C. 1453)), Indian tribes, and  
15          local governments in the identi-  
16          fication, determination of sources,  
17          prevention, reduction, manage-  
18          ment, mitigation, and control of  
19          marine debris and its adverse im-  
20          pacts.

21           (2) ANNUAL PROGRESS REPORTS.—Not  
22          later than 3 years after the date of the  
23          enactment of this Act, and biennially  
24          thereafter, the Interagency Committee,  
25          through the chairperson, shall submit to

1       the Committee on Commerce, Science,  
2       and Transportation of the Senate and the  
3       Committee on Transportation and Infra-  
4       structure and the Committee on Re-  
5       sources of the House of Representatives a  
6       report that evaluates United States and  
7       international progress in meeting the  
8       purpose of this Act. The report shall in-  
9       clude—

10               (A) the status of implementation  
11               of any recommendations and strate-  
12               gies of the Interagency Committee  
13               and analysis of their effectiveness;

14               (B) a summary of the marine de-  
15               bris inventory to be maintained by  
16               the National Oceanic and Atmos-  
17               pheric Administration;

18               (C) a review of the National Oce-  
19               anic and Atmospheric Administration  
20               program authorized by section 3, in-  
21               cluding projects funded and accom-  
22               plishments relating to reduction and  
23               prevention of marine debris;

24               (D) a review of Coast Guard pro-  
25               grams and accomplishments relating

1           to marine debris removal, including  
2           enforcement and compliance with  
3           MARPOL requirements; and

4           (E) estimated Federal and non-  
5           Federal funding provided for marine  
6           debris and recommendations for pri-  
7           ority funding needs.

8   **SEC. 6. FEDERAL INFORMATION CLEARINGHOUSE.**

9           **The Administrator, in coordination with**  
10 **the Interagency Committee, shall—**

11           (1) maintain a Federal information  
12           clearinghouse on marine debris that will  
13           be available to researchers and other in-  
14           terested persons to improve marine de-  
15           bris source identification, data sharing,  
16           and monitoring efforts through collabo-  
17           rative research and open sharing of data;  
18           and

19           (2) take the necessary steps to ensure  
20           the confidentiality of such information  
21           (especially proprietary information), for  
22           any information required by the Adminis-  
23           trator to be submitted by the fishing in-  
24           dustry under this section.

1 SEC. 7. DEFINITIONS.

2 **In this Act:**

3 (1) **ADMINISTRATOR.**—The term “Ad-  
4 ministrator” means the Administrator of  
5 the National Oceanic and Atmospheric  
6 Administration.

7 (2) **INTERAGENCY COMMITTEE.**—The  
8 term “Interagency Committee” means the  
9 Interagency Marine Debris Coordinating  
10 Committee established under section  
11 2203 of the Marine Plastic Pollution Re-  
12 search and Control Act of 1987 (33 U.S.C.  
13 1914).

14 (3) **UNITED STATES EXCLUSIVE ECONOMIC**  
15 **ZONE.**—The term “United States exclusive  
16 economic zone” means the zone estab-  
17 lished by Presidential Proclamation  
18 Numbered 5030, dated March 10, 1983, in-  
19 cluding the ocean waters of the areas re-  
20 ferred to as “eastern special areas” in ar-  
21 ticle 3(1) of the Agreement between the  
22 United States of America and the Union  
23 of Soviet Socialist Republics on the Mari-  
24 time Boundary, signed June 1, 1990.

25 (4) **MARPOL; ANNEX V; CONVENTION.**—  
26 The terms “MARPOL”, “Annex V”, and

1       **“Convention” have the meaning given**  
2       **those terms under section 2(a) of the Act**  
3       **to Prevent Pollution from Ships (33**  
4       **U.S.C. 1901(a)).**

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

9           **(6) TERRITORIAL SEA.—The term “terri-**  
10       **torial sea” means the waters of the**  
11       **United States referred to in Presidential**  
12       **Proclamation No. 5928, dated December**  
13       **27, 1988.**

14           **(7) PROGRAM.—The term “Program”**  
15       **means the Marine Debris Prevention and**  
16       **Removal Program established under sec-**  
17       **tion 3.**

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

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

23               **(B) the District of Columbia;**

1           **(C) American Samoa, Guam, the**  
2           **Northern Mariana Islands, Puerto**  
3           **Rico, and the Virgin Islands; and**

4           **(D) any other territory or posses-**  
5           **sion of the United States, or separate**  
6           **sovereign in free association with the**  
7           **United States, that is impacted by**  
8           **marine debris within its seaward**  
9           **boundaries.**

10 **SEC. 8. RELATIONSHIP TO OUTER CONTINENTAL SHELF**  
11           **LANDS ACT.**

12           **Nothing in this Act supersedes, or limits**  
13           **the authority of the Secretary of the Interior**  
14           **under, the Outer Continental Shelf Lands Act**  
15           **(43 U.S.C. 1331 et seq.).**

16 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

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

19           **(1) to the Administrator for carrying**  
20           **out sections 3 and 7, \$10,000,000, of which**  
21           **no more than 10 percent may be for ad-**  
22           **ministrative costs; and**

23           **(2) to the Secretary of the Depart-**  
24           **ment in which the Coast Guard is oper-**  
25           **ating, for the use of the Commandant of**

1       **the Coast Guard in carrying out sections**  
2       **4 and 6, \$2,000,000, of which no more**  
3       **than 10 percent may be used for adminis-**  
4       **trative costs.**

Union Calendar No. 345

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 362**

[Report No. 109-332, Parts I and II]

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**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.

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JULY 25, 2006

Reported from the Committee on Transportation and Infrastructure with an amendment; committed to the Committee of the Whole House on the State of the Union and ordered to be printed